



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: October 17, 2007

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), regarding Lodi Professional Firefighters, Association of Lodi City Employees regarding Maintenance and Operators, and Lodi Police Officers Association pursuant to Government Code §54957.6
- b) Actual Litigation: Government Code §54956.9(a); One Case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Francisco Superior Court, Case No. CGC-05-441976

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Bill Cummins, Bear Creek Community Church

C. Pledge of Allegiance

D. Presentations

- D-1 Awards
 - a) Presentation of Community Improvement Award (COM)
- D-2 Proclamations
 - a) National Arts & Humanities Month (COM)
- D-3 Presentations – None

E. Consent Calendar (Reading; Comments by the Public; Council Action)

- E-1 Receive Register of Claims in the Amount of \$8,478,743.48 (FIN)
- E-2 Approve Minutes (CLK)
 - a) September 19, 2007 (Regular Meeting)
 - b) October 2, 2007 (Shirtsleeve Session)
 - c) October 3, 2007 (Regular Meeting)
 - d) October 9, 2007 (Shirtsleeve Session)
- E-3 Approve Specifications and Authorize Advertisement for Bids for City-Funded Maintenance of Landscape Areas for 2008 (PW)

- Res. E-4 Adopt Resolution Awarding the Contract for Lane Line Striping for Various City Streets 2007 to Chrisp Company, of Fremont (\$50,152) (PW)
- Res. E-5 Adopt Resolution Approving Improvement Agreement for Public Improvements at 610 South Guild Avenue (PW)
- Res. E-6 Adopt Resolution Authorizing Extension of Elevator Services Contract with Elevator Technology, Inc., of El Dorado Hills (\$22,375), and Authorizing Option to Extend Contract for an Additional Two Years (PW)
- Res. E-7 Adopt Resolution Authorizing the City Manager to Execute a Novation Agreement with Sempra Energy Trading Corporation and The Royal Bank of Scotland, Transferring Interest in a Power Purchase Sales and Enabling Agreement Dated May 27, 2004 (EUD)
- Res. E-8 Adopt Resolution Authorizing the City Manager to Execute a Pole License Agreement with Pacific Gas & Electric Company for Gas Meter Communication (EUD)
- Res. E-9 Adopt Resolution Amending Traffic Resolution No. 97-148 by Establishing Terminal Access Routes on Certain Streets and Authorizing the Public Works Director to Establish Terminal Access Routes on Industrial Streets (PW)
- Res. E-10 Adopt Resolution Authorizing the City Manager to Enter into Negotiations with Union Pacific Railroad for the Acquisition of Properties Located at 232 North Washington Street, 242 Rush Street, and 420 East Lockeford Street as Part of an Affordable Housing Project (CD)
- E-11 Set Public Hearing for November 7, 2007, to Consider Reallocation of Available Community Development Block Grant and HOME Program Income for an Affordable Housing Project (CD)
- E-12 Set Public Hearing for November 7, 2007, to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department (PW)

F. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on Non-Agenda Items

H. Comments by the City Manager on Non-Agenda Items

I. Public Hearings

- 4 Ords. I-1 Public Hearing to Consider Adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, and Plumbing Code with Local Amendments and Revise Building Permit Fee Schedule 1A, along with Fees for Building, Mechanical, Plumbing, and Electrical Permits (CD)
- 4 Res.
- Ord. I-2 Public Hearing to Introduce Ordinance Repealing and Reenacting Chapter 20 of Title 15 of the Lodi Municipal Code Regulating and Governing Fire Prevention and Adopting by Reference Code Known as the "California Fire Code, Title 24, California Code of Regulations, Part 9" and the 2006 Edition of the International Fire Code Standards, Effective January 1, 2008 (FD)
- Res. I-3 Public Hearing to Adopt Resolution Confirming the 2007 Annual Report and Levy of Assessments within the Lodi Tourism Business Improvement District (CM)

J. Communications

- J-1 Claims Filed Against the City of Lodi – None
- J-2 Appointments
 - a) Post for One Vacancy on the Planning Commission and Re-Post for Seven Vacancies on the Newly Created Lodi Animal Advisory Commission (CLK)
- J-3 Miscellaneous
 - a) Monthly Protocol Account Report (CLK)

K. Regular Calendar

- K-1 Approve Recommendations for Preferred Site and Treatment Technology for Lodi Surface Water Treatment Facility (PW)
- Res. K-2 Adopt Resolution Authorizing the City Manager to Negotiate Change Orders up to \$7,750,000 with Western Water Constructors, Inc., of Santa Rosa, for Emergency Repair of Domestic Outfall Sewer Pipeline (PW)
- K-3 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$58,949.28) (CA)
- K-4 Consider and Provide Direction with Regard to Participation in the San Joaquin County Enterprise Zone Application (CM)

L. Ordinances – None

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Community Improvement Award

MEETING DATE: October 17, 2007

PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the Mayor present a Community Improvement Award to Pat Walker and Jack Roderick, owners of 207 E. Pine Street, for their efforts in improving their property.

BACKGROUND INFORMATION: In an effort to provide recognition to owners or occupants of residential, commercial or industrial properties that have made noted improvements or have demonstrated a history of a well-maintained property, all of which contributes to the beautification of the community, the Community Improvement Award program was established. Community Improvement Award nominations are received at various times throughout the year and are brought before the Lodi Improvement Committee for review at their regular meetings. City Staff provides the Improvement Committee with any pertinent information, including property ownership, the nature of the improvements or conditions upon the property that warrant recognition, as well as any background pertaining to code enforcement, police activity or other notable issue that could have bearing on the nomination.

At the Lodi Improvement Committee of October 2, 2007, the following information and supporting photographs regarding a property at 207 E. Pine Street that had been nominated for a Community Improvement Award was received and taken under consideration:

207 E. Pine Street

Property owners: Pat Walker & Jack Roderick

Multi-family residential property.

This property has been the focus of code enforcement activities for the past several years. From our research, it appears that originally there were two single family dwellings and an additional living unit in the detached garage structure. Through the years those dwelling units were allowed to be subdivided to create a total of 9 units within those three buildings. Sometime after that, additional unpermitted and substandard alterations were made that brought the total number of units on the property to 12. In addition to those alterations being done without the appropriate permit or to any reasonable building standard, the minimum required floor area for each dwelling unit, established in the Uniform Housing Code, was violated.

Through the course of inspecting and reviewing the measurements within each dwelling unit, it was determined that we could allow a total of 8 units, providing that the corrections were made to provide adequate floor space within each unit. In the course of that enforcement effort, the dwellings were

APPROVED: _____
Blair King, City Manager

ordered to be vacated until the previous owners brought the property into compliance. During the time it was vacant, the property owners at that time were marketing the property for sale. During that time there were also many incidents where transients had broken into the buildings and were using them for shelter and other illicit activities. A more recent incident led to a fire that severely damaged one of the buildings.

It was shortly after that, that the property was finally sold to the current owners, Pat Walker and Jack Roderick. Working closely with the City, the new owners engaged in a complete renovation of those residential buildings. This included the demolition of the fire-damaged structure, which reduced the number of residential units at the property to seven (7).

Those renovations, as well as the complete redo of the grounds, including landscaping, hardscape and a new concrete parking area accessed off of the alley, are now complete. The completion of this project marks a dramatic improvement to that block and the entire neighborhood. For that, Mr. Walker and Mr. Roderick, and their property are up for consideration for a Community Improvement Award.

After the review of these nominated properties, the Lodi Improvement Committee voted unanimously to award a Community Improvement Award to Mr. Walker and Mr. Roderick as recognition and in appreciation for their efforts to improve their property.

Randy Hatch
Community Development Director

Attachments

cc: Lodi Improvement Committee
Pat Walker
Jack Roderick





CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: National Arts and Humanities Month

MEETING DATE: October 17, 2007

PREPARED BY: Division of Arts & Culture

RECOMMENDED ACTION: Present proclamation proclaiming October 2007 as National Arts and Humanities Month in the City of Lodi. National Arts and Humanities month is coordinated by Americans for the Arts, the national organization working to empower communities with the resources and support necessary to provide access to all of the arts for all of the people.

BACKGROUND INFORMATION: This month-long celebration has become the largest annual celebration of the arts and humanities in the Nation. On Thursday, October 25, 2007, the Division of Arts and Culture, along with the Lodi Arts Commission, will be hosting its fifth annual Arts Open House. Representatives from many of Lodi's Arts Agencies as well as Instructors from the City's Division of Arts and Culture will be on hand to speak about their programs; demonstrate their crafts; and distributes information about their organizations.

This free event, suitable for the entire family, will be held from 6:30 to 8:30 p.m., in the Crete Hall and the Charlene Powers Lange Performing Arts Theatre at Hutchins Street Square.

FISCAL IMPACT: None

FUNDING AVAILABLE: None

James Rodems
Community Center Director

JR/DA

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated September 20, and September 27, 2007 in the Total Amount of \$8,478,743.48

MEETING DATE: October 17, 2007

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$8,478,743.48.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$8,478,743.48 dated 9/20/07, and 9/27/07. Also attached is Payroll in the amount of \$1,296,109.53.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

			Accounts Payable	Page	-	1
			Council Report	Date	-	10/08/07
As of	Fund	Name	Amount			
Thursday						
09/20/07	00100	General Fund	772,431.11			
	00123	Info Systems Replacement Fund	2,883.40			
	00130	Redevelopment Agency	275.84			
	00160	Electric Utility Fund	69,329.89			
	00161	Utility Outlay Reserve Fund	19,960.00			
	00164	Public Benefits Fund	1,728.30			
	00170	Waste Water Utility Fund	302,425.95			
	00171	Waste Wtr Util-Capital Outlay	188.56			
	00172	Waste Water Capital Reserve	79,613.58			
	00180	Water Utility Fund	4,151.13			
	00181	Water Utility-Capital Outlay	4,205.05			
	00182	IMF Water Facilities	25,587.06			
	00210	Library Fund	7,786.49			
	00231	Auto Theft Prosecution Fund	1,423.38			
	00234	Local Law Enforce Block Grant	11,974.66			
	00235	LPD-Public Safety AB 1913	57.41			
	00260	Internal Service/Equip Maint	22,928.76			
	00270	Employee Benefits	20,956.88			
	00300	General Liabilities	1,084.17			
	00310	Worker's Comp Insurance	38,019.27			
	00321	Gas Tax - 2105,2106,2107	9,215.55			
	00335	CALTRANS Imp. Program	63,434.64			
	00340	Comm Dev Special Rev Fund	11,767.19			
	00410	Bond Interest & Redemption	1,045,278.24			
	00457	Hud-2001/02	964.50			
	01211	Capital Outlay/General Fund	95.70			
	01217	IMF Parks & Rec Facilities	395.13			
	01241	LTF-Pedestrian/Bike	10,397.50			
	01250	Dial-a-Ride/Transportation	160,311.54			
	01410	Expendable Trust	16,128.55			

Sum			2,704,999.43			
	00184	Water PCE-TCE Settlements	129,869.63			

Sum			129,869.63			

Total for Week						
Sum			2,834,869.06			

		Accounts Payable	Page	-	1
		Council Report	Date	-	10/08/07
As of	Fund	Name		Amount	
		Thursday			
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09/27/07	00100	General Fund		632,228.70	
	00123	Info Systems Replacement Fund		1,800.00	
	00130	Redevelopment Agency		1,995.25	
	00160	Electric Utility Fund		2,951,854.67	
	00164	Public Benefits Fund		1,764.39	
	00170	Waste Water Utility Fund		1,511,767.85	
	00171	Waste Wtr Util-Capital Outlay		2,360.22	
	00172	Waste Water Capital Reserve		76.64	
	00180	Water Utility Fund		9,140.79	
	00181	Water Utility-Capital Outlay		2,165.78	
	00182	IMF Water Facilities		2,560.50	
	00210	Library Fund		2,579.25	
	00260	Internal Service/Equip Maint		17,171.12	
	00270	Employee Benefits		16,312.70	
	00320	Street Fund		216,000.00	
	00321	Gas Tax - 2105,2106,2107		16,459.97	
	00325	Measure K Funds		185,917.15	
	00329	TDA - Streets		2,132.48	
	00340	Comm Dev Special Rev Fund		733.59	
	01218	IMF General Facilities-Adm		34,794.68	
	01241	LTF-Pedestrian/Bike		2,037.50-	
	01250	Dial-a-Ride/Transportation		5,515.68	
	01410	Expendable Trust		30,538.51	

Sum				5,643,832.42	
	00184	Water PCE-TCE Settlements		42.00	

Sum				42.00	

		Total for Week			
Sum				5,643,874.42	

Council Report for Payroll

Page
Date- 1
- 10/08/07
Gross
Pay

Payroll	Pay Per Date	Co	Name	
			-	
Regular	09/23/07	00100	General Fund	868,009.96
		00160	Electric Utility Fund	146,841.61
		00164	Public Benefits Fund	5,208.75
		00170	Waste Water Utility Fund	80,945.75
		00180	Water Utility Fund	1,563.94
		00210	Library Fund	34,866.01
		00235	LPD-Public Safety AB 1913	3,699.33
		00260	Internal Service/Equip Maint	19,403.09
		00321	Gas Tax - 2105,2106,2107	57,144.41
		00340	Comm Dev Special Rev Fund	35,075.70
		01250	Dial-a-Ride/Transportation	3,114.56
			Pay Period Total:	
Sum				1,255,873.11
Retiree	10/31/07	00100	General Fund	40,236.42
			Pay Period Total:	
Sum				40,236.42



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) September 19, 2007 (Regular Meeting)
b) October 2, 2007 (Shirtsleeve Session)
c) October 3, 2007 (Regular Meeting)
d) October 9, 2007 (Shirtsleeve Session)

MEETING DATE: October 17, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) September 19, 2007 (Regular Meeting)
b) October 2, 2007 (Shirtsleeve Session)
c) October 3, 2007 (Regular Meeting)
d) October 9, 2007 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibits A through D.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 19, 2007**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of September 19, 2007, was called to order by Mayor Johnson at 6:30 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian [excluding C-2(a)], Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658

b) Actual Litigation: Government Code §54956.9(a); One Case; Richard Romero, a Minor, By and Through His Guardian as Litem, Susie Romero v. City of Lodi, San Joaquin County Superior Court, Stockton Branch, Case No. CV027014

C-3 ADJOURN TO CLOSED SESSION

At 6:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:45 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), settlement discussion was had and direction was given.

Item C-2 (b) was not discussed.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of September 19, 2007, was called to order by Mayor Johnson at 7:00 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. INVOCATION

The invocation was given by Pastor Glen Barnes, First Baptist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Girl Scout Troop 528.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Following introductory comments by Recreation Supervisor Tom Alexander, Mayor Johnson presented a Certificate of Recognition to representatives of the Girls Extreme 16 & Under Softball Team in acknowledgment of their accomplishments in the Babe Ruth World Series, recently held in Eagle Pass, Texas, in finishing third for the second year in a row. Individual accomplishments were as follows:

- All World Series Team Tori Shepard (who also set a new World Series strikeout record with 89, breaking the previous record of 58)
- Home Run Contest Winner Allie Mendez
- All Defensive Team Brooke Ortiz, Second Base
 Jordynn Elwood, Outfield

D-3 (b) Mayor Johnson presented a Certificate of Recognition to Sarah Heberle and Girl Scout Troop 528 in celebration of the 95th Anniversary of Girl Scouts.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Johnson, Mounce second, unanimously approved the following items hereinafter set forth **except those otherwise noted:**

- E-1 Claims were approved in the amount of \$7,378,125.22.
- E-2 The minutes of September 4, 2007 (Shirtsleeve Session), September 5, 2007 (Regular Meeting), and September 11, 2007 (Special Joint Shirtsleeve Session w/Lodi Improvement Committee) were approved as written.
- E-3 "Approve Request for Proposals and Authorize Advertisement for Bids for Carnegie Forum Sound System Replacement Project" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-4 Approved the specifications and authorized advertisement for bids for Lane Line Striping for Various City Streets 2007.
- E-5 Adopted Resolution No. 2007-185 approving the lease amendment for 300 West Pine Street.
- E-6 Adopted Resolution No. 2007-186 approving the application for tire-derived product grant from California Integrated Waste Management Board and authorizing the City Manager to execute grant agreements.
- E-7 Adopted Resolution No. 2007-187 approving renewal of revised maintenance of State Highway 12 agreement with the State of California Department of Transportation for fiscal year 2007-08 in the amount of \$11,408 and authorizing the City Manager to execute subsequent agreements.
- E-8 Adopted Resolution No. 2007-188 authorizing the City Manager to file a revised claim for the 2006-07 Transportation Development Act (TDA) funds in the amount of \$3,536,183 from the Local Transportation Fund (LTF) and \$38,244 from State Transit Assistance (STA) and adopted Resolution No. 2007-189 authorizing the City Manager to file a claim for the 2007-08 TDA funds in the amount of \$3,281,562 from the LTF and \$11,206 from STA.
- E-9 "Adopt Resolution Appropriating Funds and Authorizing the City Manager to Enter into a Contract with Rad Bartlam to Provide General Plan Project Management Services (Total Cost \$78,400 for Two Years)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

- E-10 Set public hearing for October 3, 2007, for Lodi Memorial Hospital regarding issuance of tax-exempt obligations and approval of the California Statewide Community Development Authority's issuance of indebtedness to construct a new Lodi Memorial Hospital project.
-

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-3 "Approve Request for Proposals and Authorize Advertisement for Bids for Carnegie Forum Sound System Replacement Project"

This item was pulled by Mayor Johnson for further discussion.

Mayor Johnson expressed his concerns regarding audio quality for televised and rebroadcast City Council meetings.

Mayor Pro Tempore Mounce suggested staff review remote Council meeting participation abilities.

City Manager King stated the proposed action is to solicit bids, the condition of the sound system is generally poor which was pointed out during a recent upgrade of other equipment, the anticipated cost is approximately \$30,000, and the contractor can likely add certain specific improvements that the City Council desires as individual components of the proposal.

In response to Council Member Hitchcock, Deputy City Manager Krueger stated the funds will likely come from the equipment replacement account.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, unanimously approved the request for proposals and authorized advertisement for bids for Carnegie Forum Sound System Replacement Project.

- E-9 "Adopt Resolution Appropriating Funds and Authorizing the City Manager to Enter into a Contract with Rad Bartlam to Provide General Plan Project Management Services (Total Cost \$78,400 for Two Years)"

City Manager King pulled this item for further discussion.

City Manager King provided an overview of the proposed agreement for consultant services pertaining to the management of the General Plan process. Specific topics of discussion included, but were not limited to, General Plan expense, the desire to complete the General Plan on time and under budget, expanding timeline of consultants, community outreach concerns, stakeholder surveys and interviews, the necessity for General Plan amendments every 10 to 15 years, alternatives, costs associated with various alternatives, additional staffing possibilities, timing, similar services being provided to other agencies, and staff's recommendation regarding the same.

In response to Mayor Pro Tempore Mounce, Mr. King stated Mr. Bartlam will review, analyze, and provide comments to drafts in a timely manner while complying with noticing requirements and staying engaged in the process.

Council Member Hitchcock suggested that the individual monitoring the General Plan should be a City staff member. Mr. King stated he sees the project is slipping off the timeline, it is not uncommon to use a project manager, and part-time staff may be used to supplement the department so that the Director can have more time to focus on this project.

In response to Council Member Hansen, Mr. King stated the goal is still to finish by November 2008 and there is a better chance of accomplishing that goal with a General Plan manager.

In response to Mayor Pro Tempore Mounce, Mr. King stated that, pursuant to the termination clause in the agreement, the consultant may be terminated at any time.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Katzakian second, adopted Resolution No. 2007-190 appropriating funds and authorizing the City Manager to enter into a contract with Rad Bartlam to provide General Plan project management services for a total cost \$78,400 for two years. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Barbara Flockhart spoke on her concerns regarding various funds expended by the City Council on items including, but not limited to, wastewater treatment facility, consultants, refinancing, and redevelopment.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Mounce suggested staff look into the request made by Kenneth Chase and the mural on Cherokee Lane and Victor Road.
- Council Member Hansen mentioned there was graffiti near the mural, requested an update on the mobile food vendor efforts, reported on his attendance at the San Joaquin Council of Governments meeting specifically pertaining to obtaining a seat on the Rail Commission, and requested a formal presentation at a regular Council meeting of the environmental litigation when appropriate to do so.
- Mayor Johnson thanked Council Members Hitchcock and Hansen for their efforts with the environmental litigation and suggested references to mandates imposed by the State legislature be listed when items are brought forth.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King reported on future improvements on Lodi Avenue, a community workshop to be held on Tuesday, November 6, 2007, the status of the sound system in the Grape Bowl, refinancing efforts which will result in a savings of approximately \$1.5 million, and the cost of issuance which will be put out again for clarification purposes.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider adopting a resolution approving the Lodi Solar Rebate Program to become effective January 1, 2008.

City Manager King provided a brief introduction of the subject matter.

Rob Lechner, Manager of Customer Services and Programs, provided a PowerPoint presentation regarding the solar rebate program. Specific topics of discussion included state mandates through Senate Bill 1, overview of the bill, highlights of the Solar Rebate Pilot Project, fast facts about solar systems, the next steps in implementing the program, solar initiative surcharge, funding options, and recommendations regarding the same.

In response to Council Member Hansen, Mr. Lechner stated the California Energy Commission is still working on the actual effective date and discussing grandfathering options.

In response to Council Member Hansen, Mr. Lechner stated how the funds are divided is not mandated as the City Council may divide as deemed appropriate.

In response to Council Member Hansen, Electric Utility Director George Morrow confirmed that the surcharge may be divided by the same portion.

In response to Council Member Hitchcock, Mr. Morrow stated the 75% and 25% figures were based on energy sales from both commercial/industrial and residential uses and can be adjusted later if the 25% is limiting.

In response to Council Member Hitchcock, Mr. Morrow stated the 25% represents the percentage of electric utility revenue received from residential customers. Mr. Morrow stated that the pilot was successful, but he is unsure of how many residents will take advantage of the actual program.

In response to Mayor Pro Tempore Mounce, Mr. Lechner stated currently nine residential customers have solar systems that they are aware of.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-191 approving the Lodi Solar Rebate Program to become effective January 1, 2008.

- I-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider introducing an ordinance amending Chapter 13.20, "Electrical Service," by adding new Schedule CSS (California Solar Initiative Surcharge) to become effective December 1, 2007.

In response to Council Member Hansen, Electric Utility Director George Morrow stated, at the end of the 2008 year, they hope to know the cost of allocations, interest and demand, surcharge specifics, and additional information from the State.

In response to Council Member Hansen, Mr. Morrow and Rob Lechner, Manager of Customer Services and Programs, stated there are currently two commercial solar users and there may be some businesses that may use the entire \$375,000 in the first year and lock it up for the five-year period.

In response to Council Member Hitchcock, Mr. Morrow stated they cannot use the public benefit program because it is currently not being used for this purpose.

Mayor Pro Tempore Mounce suggested the Council wait to see how the first year goes and then discuss a surcharge as necessary thereafter.

City Manager King provided an overview of the reserve policy, the need to preserve funds, Leadership in Energy and Environmental Design certification and its application to solar, existing and future business interests in solar programs, and State mandates.

In response to Council Member Katzakian, Mr. Morrow stated we can come back annually and adjust as necessary, but we are required to provide \$6 million over ten years.

Discussion ensued between Council Member Hansen, Council Member Hitchcock, and Mr. Morrow regarding a pay-as-you-go process and balancing the need while planning ahead.

In response to Council Member Katzakian, Mr. Morrow confirmed that the .81 cents cannot be reduced; only increased.

In response to Mayor Johnson, Mr. Morrow confirmed that we do not need to wait annually for an adjustment as it can be done when necessary.

Further discussion ensued between Council Member Hansen, Council Member Hitchcock, and Mr. Morrow regarding the pay-as-you-go option for the first year.

Hearing Opened to the Public

- Richard Brown spoke of his concerns regarding increases and suggested the Electric Utility design a system similar to that of PG&E to eliminate Tier 4 and 5 surcharges while reviewing the other tiers and assessing the surcharges accordingly based on usage.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Johnson second, introduced Ordinance No. 1802 amending Lodi Municipal Code Title 13 – Public Services – by adding Section 13.20.185, “Section CSS – California Solar Initiative Surcharge.” The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Katzakian, and Mayor Johnson

Noes: Council Members – Hansen and Mounce

Absent: Council Members – None

RECESS

At 8:50 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:58 p.m.

I. PUBLIC HEARINGS (Continued)

- I-3 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider unmet transit needs in Lodi.

Transportation Manager Tiffani Fink provided a brief presentation regarding the requirement to conduct a public hearing for unmet transportation needs and the process associated with the same.

In response to Council Member Hansen, Ms. Fink stated that the current bus brochure includes the time stops and working with GIS may provide the ability to provide more bus stop listings on future brochures.

In response to Council Member Hitchcock, Ms. Fink stated since last year no additional routes were added, the east side bus route was revised to address student needs, and they are continuing to work on the short range transit plan to address ongoing needs.

Council Member Hansen suggested staff look into the voucher program to ensure the school district is paying its share. Ms. Fink stated Measure K provides approximately 75% of the funding for the bus routes.

In response to Mayor Pro Tempore Mounce, Ms. Fink stated the E-map process mandated a shelter location at Lodi Avenue as a pedestrian amenity and they are looking at putting a bus stop at that location as well.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

There was no Council action taken on this matter.

J. COMMUNICATIONS

J-1 Claims Filed Against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Hitchcock, Johnson second, unanimously directed the City Clerk to post for the following vacancy:

Library Board of Trustees

Paula Albertson Term to expire June 30, 2009

J-3 Miscellaneous

- a) The City Council, on motion of Council Member Hitchcock, Johnson second, unanimously accepted the cumulative Monthly Protocol Account Report through August 31, 2007.

K. REGULAR CALENDAR

K-1 "Receive Presentation and Provide Comment upon the ACE Service Expansion Study Central Valley Corridor, Merced-Stockton-Sacramento Preliminary Analysis"

Stacy Mortenson and Phil Pennino provided a brief history of the efforts associated with the potential service through the Central Valley Corridor. Specific topics of discussion included smart growth principles, commuter service within the Central Valley, access to existing rail lines, map possibilities, challenges and opportunities, educational systems, advisory committee, level of commuter service, next steps, and stakeholder participation.

In response to Council Member Hansen, Ms. Mortenson stated there are approximately 250 passengers on the Central Valley Amtrak route each way per day and they are working with the Commission to address some of the challenges associated with matching up the schedule for morning commute.

City Manager King stated he would like to make it clear that the City's expectation is that the commuter rail will go through Lodi and not to the west of the City. Mr. Pennino stated the City will be asked to take a position in the near future to assist with lobbying efforts.

MOTION/ VOTE:

There was no Council action taken on this matter.

- K-2 "Adopt Resolution Authorizing Execution of Agreement for Layoff and Sale Relating to Combustion Turbine Project Number One"

Electric Utility Director George Morrow provided an overview of the Roseville CT1 sale and specific topics of discussion included background, objectives, Phase 1 layoff, Phase 2 equity sale, compensation, and benefits and costs.

In response to Council Member Hitchcock, Mr. Morrow stated the \$2.3 million amount can change depending on the amount of capital spent and the debt service payments.

In response to Council Member Hansen, Mr. Morrow stated the debt service will be paid in three years; \$1.7 million for this year and \$2.3 million for the next two.

City Manager King stated he would like to commend Mr. Morrow on his efforts in regard to the sale.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously adopted Resolution No. 2007-192 authorizing execution of agreement for layoff and sale relating to Combustion Turbine Project Number One.

- K-3 "Adopt Resolution Approving the Work Plan for the Combination of the Parks and Recreation Department and Hutchins Street Square Community Center"

City Manager King provided a brief introduction of the subject matter.

Community Center Director Jim Rodems provided an overview of the schedule as listed on the matrix and reviewed the anticipated work plan associated with the same.

In response to Council Member Hitchcock, Mr. Rodems stated the timing is ambitious, but the groundwork is already laid and they need to work with the plan in conjunction with the timing associated with developing the budget for the next fiscal year.

In response to Mayor Johnson, Mr. King stated actual implementation will require additional time.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, unanimously adopted Resolution No. 2007-193 approving the Work Plan for the combination of the Parks and Recreation Department and Hutchins Street Square Community Center.

- K-4 "Update on the San Joaquin Local Agency Formation Commission Draft Policies and Procedures"

City Manager King provided a brief introduction of the subject matter.

Community Development Director Randy Hatch provided an overview of the status of the August 17, 2007, meeting, the letter requesting additional information, acceptance of comments, continuance of the public hearing to September 21, 2007, without additional action being taken, community separators and State law application, and a possible preservation plan.

In response to Council Member Hansen, Mr. Hatch stated the Local Agency Formation Commission (LAFCO) eventually would like to get to the policy concept of a sphere of influence for the entire general plan area for 20 years down the road.

Council Member Hansen suggested a Council Member attend the upcoming meeting.

In response to Council Member Hitchcock, Mr. Hatch stated some cities are supportive of the draft policy language because they see separators as holding back growth.

Discussion ensued between Council Member Hitchcock, Mr. Hatch, and Mr. King regarding obtaining land as a growth control measure, an example in the city of Tracy, waivers, and the intensity level of ongoing and future development.

In response to Mayor Johnson, Mr. Hatch stated the current LAFCO members are Mow, Machado, Chavez, Haskin, and Ruhstaller, along with a few alternate members.

MOTION / VOTE:

There was no Council action taken on this matter.

- K-5 "Introduce Ordinance Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, "Sewer Service," by Repealing and Reenacting Section 13.12.150 Relating to Connections Outside City"

City Attorney Schwabauer provided an overview of the history associated with providing services to Flag City, stating the proposed ordinance adds an exception for publicly operated wastewater treatment districts.

In response to Council Member Hitchcock, Mr. Schwabauer stated when there is a hook up to the system, there is a payment of a wastewater impact fee and an engineering study will more precisely determine what that fee should be.

In response to Council Member Hitchcock, Mr. King stated the \$6 million figure is a working number for services excluding pretreatment.

In response to Council Member Hitchcock, Mr. King stated the \$6 million figure will partially go to funding rate stabilization.

In response to Council Member Hitchcock, Mr. Schwabauer stated that, while the ordinance itself cannot control land use application and sprawl, the practical application of the language of the ordinance makes it difficult to provide services to other areas aside from the Area 31 CSA without the construction of an additional facility at a high cost.

In response to Council Member Hitchcock, Mr. Schwabauer stated that, although there may be a perception of automatic connection, the City Council has control over whether to allow winery connections by contract in that they review every request.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, introduced Ordinance No. 1803 amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, "Sewer Service," by repealing and reenacting Section 13.12.150 relating to connections outside the City. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

- K-6 "Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$11,552.96)"

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, unanimously approved expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$11,552.96, as detailed below:

Folger Levin & Kahn - Invoices Distribution

Invoice No.	Date	Description	Water Acct. Amount
7207	7/31/07	West Environmental Services (Krasnoff)	\$ 5,166.73
		GeoTrans, Inc. (Jim Mercer)	\$ 196.00
Total			\$ 5,362.73

Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323
11233.026	234371	08/25/07	Lodi First v. City of Lodi	\$ 18.00
11233.027	234371	08/25/07	Citizens for Open Government	\$ 955.45
11233.029	234371	08/25/07	AT&T v. City of Lodi	\$ 646.85
Total				\$ 1,620.30

MISCELLANEOUS

Invoice No.	Date	Description	Water Acct. Amount
877001	8/27/2007	Harry A. Cannon, Inc.	\$ 1,879.83
1339870-100	8/28/2007	JAMS Mediation Services	\$ 2,690.10
Total			\$ 4,569.93

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1801 entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.210, 'Schedule EM,' Relating to Mobile Home Park Service Rates," having been introduced at a regular meeting of the Lodi City Council held September 5, 2007, the City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and
Mayor Johnson
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:58 p.m.

ATTEST:

Randi Johl
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, OCTOBER 2, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 2, 2007, commencing at 7:01 a.m.

A. ROLL CALL

Present: Council Members – Hitchcock, Katzakian, and Mayor Johnson
Absent: Council Members – Hansen and Mounce
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. TOPIC(S)

B-1 "Presentation of the City of Lodi Internet Website Policy"

City Manager King provided a brief introduction of the subject matter.

Communications Specialist Jeff Hood provided a PowerPoint presentation regarding the proposed website policy. Specific topics of discussion included current practices, lack of a formal policy, federal General Services Administration (GSA) registration, proposed link policy, alternatives to proposed policy, links to nonprofits, website as potential revenue source, and the future of the website.

In response to Council Member Hitchcock, Mr. Hood stated the likely reason for cities having multiple domain names is so that they can utilize all the basic domain names through which the public can locate and further access the City.

In response to Mayor Johnson, Mr. Hood stated many cities provide business links to provide information about their community. He stated the service is an enhancement of their websites with links to various businesses and organizations.

In response to Mayor Johnson, Mr. King stated the need to have any links is a part of the policy discussion. Mr. King also discussed the current and former process associated with providing links to the City's website, departmental input and review, reasonable exceptions, and the options for links to other organizations with ties to the City.

In response to Council Member Hitchcock, Mr. Hood stated the likely source for revising outdated information on the website will be the departments themselves.

In response to Mayor Johnson, City Attorney Schwabauer stated a disclaimer provides some legal protection, but he was unsure of its protection for GSA compliance purposes. He also stated that he prefers the ".gov" domain name with the email address tie in. Mr. Hood stated the GSA discourages advertising and commercial endorsements.

City Manager King provided an overview of the commercial business model for city websites and stated the model must be balanced carefully with the need of the citizens to do business over the Internet. He also stated the library, which is in the business of providing information, is not subject to the proposed policy due to the nature of its services, which will likely need to be reviewed separately as well.

In response to Council Member Hitchcock, Mr. Hood stated the links that provide links to other commercial businesses, such as Hutchins Street Square with links to various shows and performers, will likely be removed.

In response to Council Member Hitchcock, Mr. Hood confirmed that holders of various domain names that are similar to the City's domain name likely purchased those names to sell them at a later date.

In response to Mayor Johnson, Mr. Hood stated he does not believe that Stockton generates more than a few thousand dollars per year from its website advertising. He stated that, in talking to the individual who maintains the website, it is difficult to maintain and they face challenges with the location, length, and timing of the advertisements.

In response to Mayor Johnson, Mr. King stated an electronic complaint tracking system could be a great advantage tool for comment and complaint processing purposes and provided examples of how such a system could be used.

In response to Council Member Hitchcock, Mr. King stated the level of City communication could go up, the tone may be different, and the program would better manage existing complaints that are received by various departments.

In response to Myrna Wetzel, Mr. Hood stated the program would be similar to the UPS tracking system as far as checking status on a complaint.

In response to Mayor Johnson, Mr. Hood stated the electronic program will provide effective monitoring and tracking of complaints and provided an overview of the status check process of the program and the ability to have internal tracking and discussion.

City Manager King also discussed the ability to provide commonly used forms online and options available through a kiosk at City Hall.

In response to Mayor Johnson, Mr. King stated he is not sure if there is a need for a part-time person to oversee and manage the website. He stated the primary purpose for bringing forth the proposed policy is to create awareness of how the website is currently being used and to make it a more effective communication tool.

Discussion ensued between Council Member Hitchcock and Mayor Johnson regarding the need to allocate more resources to the Internet to make it more user-friendly for the public.

Council Member Hitchcock stated she preferred contact information be provided for individuals submitting comments and/or complaints electronically for follow-up purposes.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:11 a.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 3, 2007**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of October 3, 2007, was called to order by Mayor Johnson at 6:00 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian [excluding C-2(a)], Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual Litigation: Government Code §54956.9(a); One Case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*, United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Conference with Blair King, City Manager, Jim Krueger, Deputy City Manager, and Bill Avery (Acting Labor Negotiators), Regarding Lodi Police Officers Association Pursuant to Government Code §54957.6
- c) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Maintenance and Operators Unit Pursuant to Government Code §54957.6

C-3 ADJOURN TO CLOSED SESSION

At 6:00 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:09 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:11 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), discussion was had and settlement direction was given.

In regard to Items C-2 (b) and C-2 (c), discussion was had and negotiating direction was given.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of October 3, 2007, was called to order by Mayor Johnson at 7:11 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. INVOCATION

The invocation was given by Director Ken Owen, Christian Community Concerns.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Johnson presented a proclamation to Paula Grech, representing the San Joaquin County Women's Center – Lodi Office, proclaiming the month of October 2007 as "Domestic Violence Awareness Month" in the City of Lodi.

D-3 (a) Joe Price and Amanda Stevens with the Greater Lodi Area Youth Commission provided an update on the activities and accomplishments of the Commission.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Mounce, Hitchcock second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$2,292,791.05.

E-2 The minutes of September 18, 2007 (Shirtsleeve Session) and September 25, 2007 (Shirtsleeve Session) were approved as written.

E-3 Received quarterly report of purchases between \$5,000 and \$20,000.

E-4 Approved the plans and specifications and authorized advertisement for bids for Lodi Library Lighting Retrofit Project.

E-5 Authorized advertisement for bids for 25,000 feet of 1100 kcmil 15kV underground cable and 14 units of Lodi-48 primary vaults with covers.

E-6 Adopted Resolution No. 2007-194 awarding the purchase of padmounted liquid insulated vacuum switchgear and load/fault interrupters to Trayer Engineering Corporation, of San Francisco, CA, in the amount of \$105,776.42.

E-7 "Adopt Resolution Awarding Brokerage Services to Sell Surplus City-Owned Real Estate Properties to Coldwell Banker Commercial, the Duncan Company, Inc., of Woodbridge, CA" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

E-8 Approved Change Orders for the repair of two power transformers at Industrial Substation in the amount of \$27,431.

E-9 "Adopt Resolution Approving Improvement Deferral Agreement for 975 South Fairmont Avenue" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

E-10 "Status of San Joaquin County Consideration of an Armstrong Road Agricultural/Cluster Zoning Classification" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

E-11 Set public hearing for October 17, 2007, to consider adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, and Fire Code with local amendments and revise Building Permit Fee Schedule 1A, along with fee increases for building, mechanical, plumbing, and electrical permits.

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-7 "Adopt Resolution Awarding Brokerage Services to Sell Surplus City-Owned Real Estate Properties to Coldwell Banker Commercial, the Duncan Company, Inc., of Woodbridge, CA"

Mayor Johnson pulled this item for further discussion.

Mayor Johnson stated he would abstain from the matter and left the dais and room.

In response to Council Member Hitchcock, City Attorney Schwabauer confirmed there is no legal conflict of interest. He stated Mr. Johnson was never employed by the subject company; although, he was employed by another company, which was owned by the same individual who owns the subject company.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Katzakian second, adopted Resolution No. 2007-195 awarding brokerage services to sell surplus City-owned real estate properties to Coldwell Banker Commercial, the Duncan Company, Inc., of Woodbridge, CA. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Johnson

- E-9 "Adopt Resolution Approving Improvement Deferral Agreement for 975 South Fairmont Avenue"

Council Member Hitchcock pulled this item for further discussion.

In response to Council Member Hitchcock, Public Works Director Prima stated the Environmental Impact Report indicates traffic signal light requirements and peak hour traffic criteria have been met and staff has worked with Lodi Memorial Hospital staff regarding the same.

In response to Council Member Hitchcock, Mr. Prima confirmed there will be improvements on both the school and hospital sides for appearance purposes and it will take two years or more to complete the improvements.

In response to Mayor Johnson and Mayor Pro Tempore Mounce, Mr. King stated the item can be placed on the agenda for consideration by the 2 x 2 Committee.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-196 approving the Improvement Deferral Agreement for 975 South Fairmont Avenue and authorizing the City Manager and City Clerk to execute the agreement on behalf of the City.

- E-10 "Status of San Joaquin County Consideration of an Armstrong Road Agricultural/Cluster Zoning Classification"

Council Member Hitchcock pulled this item for a presentation.

Community Development Director Hatch provided an overview of the status of the agricultural and cluster zoning classification as stated in the Council Communication and stated the item is to be considered at a future Board of Supervisors meeting, which has not occurred yet. Mr. King stated there may be some support for the designation area of AL-5 and staff will be verifying that theory as quickly as it can for the record.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously received the status report of San Joaquin County consideration of an Armstrong Road Agricultural/Cluster Zoning Classification.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Georgia Potts spoke of her concerns regarding the clean-up of graffiti along the brick wall on Lower Sacramento and Turner Road. Community Improvement Manager Wood stated staff is continuing to work on this site and others with respect to removing the remaining graffiti shadow after the initial clean-up.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported on the status of the efforts regarding Highway 12, the town hall meeting scheduled at Hutchins Street Square for October 9, 2007, at 7:00 p.m., attendance at the annual Northern California Power Agency conference, AB 32 legislation regarding greenhouse gases, and the Modesto Irrigation District subscription to the new Lodi Plant.
- Mayor Pro Tempore Mounce commended the Youth Commission and clarified that the Fall Formal bids will be available at Carnegie Forum on October 14, 2007. She also commended former Council Member Pinkerton for his dedicated service to the City.
- Council Member Hitchcock reported on her attendance at the San Joaquin Council of Governments and the Local Agency Formation Commission meetings and briefly discussed the expansion of freeways for traffic increases and moving forward with specifics regarding community separators.
- Mayor Johnson commended former Council Member Pinkerton for his dedicated service to the City and also commended Delta College on its successful event and outreach efforts in connection with the new proposed campus.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King stated staff is working on replacing a transmission line to the White Slough facility as quickly as possible. He stated notification regarding the same was provided to the property owners in the vicinity.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider Lodi Memorial Hospital regarding issuance of tax-exempt obligations and approval of the California Statewide Community Development Authority's issuance of indebtedness to construct a new Lodi Memorial Hospital project.

City Manager King briefly introduced the subject matter, stating the City has no financial obligation in the matter and the public hearing is a procedural requirement for the hospital to obtain non-taxable conduit financing. Deputy City Manager Krueger confirmed the same and added that the financing is through the California Communities Joint Powers Authority (JPA).

Michael LaPierre, representing the California Statewide Communities Development Authority, provided an overview of the JPA and specifically discussed the administrative process associated with the public hearing, requirements under the Internal Revenue Code, and debt obligations of the JPA.

In response to Mayor Johnson, Mr. Krueger stated the public hearing and hospital financing have no affect on the City's bond rating.

Discussion ensued between Mayor Johnson, Council Member Hansen, and City Manager King regarding the hospital's ability to obtain non-taxable financing without the City's participation, the ability of employees to use Lodi Memorial Hospital instead of Stockton hospitals, the status of the insurance dispute with Blue Cross, and the similar issue with the school district.

Roy Kreutner, Chief Financial Officer for Lodi Memorial Hospital, stated the school district has gone with PacifiCare effective October 1, 2007, and the hospital was unable to reach an agreement with Blue Cross.

Council Member Hitchcock stated the employee issue does not apply to the matter before the Council. She also stated the non-taxable financing is good for the hospital and community. Mr. King stated he discussed with Mr. Harrington the possibility of a local PPO for the employees through the hospital directly.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-197 approving the issuance of the California Statewide Communities Development Authority insured revenue bonds (Lodi Memorial Hospital) in one or more series in an aggregate principal amount not to exceed \$150,000,000 for the purpose of financing and refinancing the acquisition, construction, equipping, and improvement of certain health care facilities owned and operated by Lodi Memorial Hospital Association, Inc. and other matters relating thereto.

J. COMMUNICATIONS

J-1 Claims Filed Against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Hansen, Mounce second, unanimously made the following appointment:

Lodi Improvement Committee

Magda Simpson Term to expire March 1, 2008

J-3 Miscellaneous – None

RECESS

At 8:17 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:27 p.m.

K. REGULAR CALENDAR

K-1 "Authorize the City Manager to Enter into Negotiations with PAM Companies to Develop an Affordable Housing Project"

City Manager King briefly introduced the subject matter.

Community Improvement Manager Wood provided a PowerPoint presentation regarding the Railroad Avenue affordable housing project. Mr. Wood specifically discussed the history of the site and the project, response to request for proposals, review of proposals, process of site visits, Committee review and discussions, resubmitted proposals, Committee recommendations, and the process of selecting a developer.

In response to Mayor Pro Tempore Mounce, Fire Chief Pretz stated the Fire Department will require proper access as part of the development of the proposed project.

In response to Mayor Pro Tempore Mounce, Public Works Director Prima stated they are required to maintain the walkthrough for the crosswalk near the Calaveras school crossing, but they are not required to keep right-of-way access unless the grant deed specifies otherwise.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated staff will provide the crime statistic information of the surrounding area available to the Council.

In response to Mayor Pro Tempore Mounce, Community Development Director Hatch stated there will be a Phase 2 environmental study and remediation will be considered if contamination is found.

In response to Council Member Hitchcock, Community Development Director Hatch stated the rent chart does not include Section 8 application, under which (regardless of income) the maximum rent would be 30% of the income with the balance picked up by the Department of Housing and Urban Development subsidies.

In response to Council Member Hitchcock, Mr. Hatch stated the developer is looking for capital costs to build the project and on the operations side will be charging individuals and/or obtaining assistance from federal government subsidies.

In response to Council Member Hitchcock, Ed Sido, Executive Officer of the San Joaquin County Housing Authority, stated qualification is for the lifetime of an individual so long as needed and the program itself will likely be funded by the federal government for some time to come.

Mr. Wood provided an overview of the Lodi Police Department reported crimes in the area between Washington Street, Lodi Avenue, Highway 99, and Lockeford Street.

In response to Council Member Hitchcock, Mr. Hatch stated he is not sure why Visionary Home Builders did not look at Section 8 housing possibilities and work with the Housing Authority regarding the same.

PUBLIC COMMENTS:

- Catherine Brown spoke of her concerns regarding the value of the property on Railroad Avenue. Mr. Wood stated the initial appraisal for land value was \$1.5 million and may be worth more now since the land will be identified as residential. Mr. Hatch stated the City subsidies are maxed out at \$1.2 million.
- Warren Potts spoke of his concerns regarding the location of the proposed project and the proximity of services within a walking area and bus transportation.
- Virginia Snyder spoke in favor of the proposed project, stating it will trigger overall improvements in the area and expressed her concern regarding a walkway going through the project.
- Mike Boettger of PAM Companies specifically discussed fire access with knock-down gates, tax credit application for infill properties, proximity from a bus stop and park, market on Cherokee Lane, Smart and Final store, LOEL Center, pharmacy, points to compete in the tax credit arena, exclusive feasibility study agreement, entitlement application, and the need for a \$150,000 deposit.

In response to Council Member Hitchcock, Mr. Hatch stated the next phase of the project will include application for entitlement, tax credits, and Section 8.

In response to Council Member Hansen, Mr. King stated the authorization is to enter into negotiations and final approval would be brought back to the Council. Mr. King also discussed the exclusive negotiation process and conditions, site designs, the reasonableness of the ten percent deposit amount in the industry, and obtaining site control prior to requiring the deposit.

City Attorney Schwabauer stated the Council can proceed with entering into the agreement with certain modifications, including the specific deposit amount and performance information, to be determined at a later date by the City Manager, and then brought back to Council.

In response to Mayor Johnson, Mr. Hatch stated with Phase 1 and 2 the City is up to approximately \$20,000 with staff time and design.

In response to Mayor Pro Tempore Mounce, Mr. Hatch stated the building on Rush Street can be raised when permits are taken out and, with a suggested 18-month negotiation period, the project should be built over 2 ½ years.

Mayor Pro Tempore Mounce stated she cannot support the recommendation because she does not believe it is the right location.

MOTION/ VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, adopted Resolution No. 2007-198 authorizing the City Manager to execute an exclusive feasibility study period agreement with PAM Development, Inc. for Railroad Avenue senior housing project with the addendums as provided by the City Attorney. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – None

RECESS

At 9:54 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 9:59 p.m.

K-2 “Update from the Grape Bowl Ad Hoc Committee and Save the Grape Bowl Committee”

City Manager King and Interim Parks and Recreation Director Dutra briefly introduced the subject matter.

Committee Member Jack Fiori provided a presentation on the efforts of the Save the Grape Bowl Committee and specifically discussed the history of the committee, fundraising efforts, 501(c)(3) status, the Sacramento Foundation umbrella, fundraising total to date of \$108,000, involvement of the Board of Supervisors, possibility of an extension of time, the economy, and naming options associated with a large donation.

In response to Mayor Pro Tempore Mounce, Mr. Fiori stated the Committee is working with Lodi-Tokay students and the public at large.

Council Member Hansen suggested the Committee look at holding an event similar to the Hutchins Street Square Field and Fair Day. Mr. Fiori stated the Committee is looking at a variety of fundraising options and will speak with Ken Vogel next week regarding an extension. City Manager King stated he believes the Board will be amicable to the idea of an extension and will follow-up.

Richard Dean provided a presentation regarding the Ad Hoc Committee efforts and status. Specific topics of discussion included the make-up of the Committee members and staff, design concept, the Stockton street entrance, the approximate cost of \$6 million to \$8 million, Americans with Disabilities Act compliance, utilization of the facility, various funding options, Committee recommendations, extension for agreements, Community Development Block Grant funding, redevelopment application, partnership with the school district, mitigation fees, and the need for the Committee to continue.

In response to the discussion about mitigation fees and/or developer fees, City Manager King provided an overview of the types of development fees, including development impact fees for additions, park land fees for expansion, and land mitigation fees identified in environmental documentation and development agreements.

A brief discussion ensued between Mayor Johnson, Mayor Pro Tempore Mounce, and Council Member Hitchcock regarding funding and utilizing the Grape Bowl so as to provide ongoing maintenance and operation costs for the same.

MOTION / VOTE:

There was no Council action taken on this matter.

- K-3 "Confirm Previously Approved Report, Adopt a Resolution to Continue the Assessment and Programs of the Lodi Tourism Business Improvement District (LTBID), and Set a Public Hearing for October 17, 2007"

City Manager King provided a brief overview of the process associated with submitting an annual report, levying the assessment, and conducting a public hearing.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Katzakian second, unanimously confirmed the previously approved report, adopted Resolution No. 2007-199 to continue the assessment and programs of the Lodi Tourism Business Improvement District, and set a public hearing for October 17, 2007.

- K-4 "Designation of a Member of the City Council to Participate in the Rating Agency Presentation for the Wastewater System Financing"

City Manager King provided a brief overview of the proposed presentation to the rating agencies scheduled for October 12, 2007, and requested a Council Member be appointed to participate in the same.

In response to Mayor Johnson, Mr. Krueger stated the representatives from Standard & Poor's are not the same, but the representatives from Fitch may be.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously designated Mayor Johnson to participate in the rating agency (Fitch Ratings and Standard & Poor's) presentation on October 12 in San Francisco for the wastewater system financing.

- K-5 "Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$90,187.15)"

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, unanimously approved the expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$90,187.15, as detailed below:

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct. Amount
8003	103985	08/31/07	Hartford Insurance Coverage Litigation	\$200,128.01
			Contingency Fee Amount Savings	-144,036.00
8008	103986	08/31/07	City of Lodi v. Envision Law Group	\$ 10,003.60
	15043	06-07/1/07	PES Environmental, Inc. (Keith Obrien)	\$ 8,268.44
	15326	07/30/07 - 09/02/07	PES Environmental, Inc. (Keith Obrien)	\$ 8,983.25
		08/04/07 - 09/14/07	George Tchobanoglous, Ph.D.	\$ 4,304.10
	170907a	08/31/07 - 09/14/07	Dr. Jim A. Field	\$ 1,125.00
Total				\$ 88,776.40

MISCELLANEOUS

Invoice No.	Date	Description	Water Acct. Amount
	08/08/07	Patrick Hassey Deposition Expenses	\$ 18.00
3044	8/7/2007	Benchmark Video	\$ 1,392.75
Total			\$ 1,410.75

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1802 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Adding Section 13.20.185, 'Section CSS – California Solar Initiative Surcharge,'" having been introduced at a regular meeting of the Lodi City Council held September 19, 2007, the City Council, on motion of Mayor Johnson, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mayor Johnson
 Noes: Council Members – Mounce
 Absent: Council Members – None
 Abstain: Council Members – None

- L-2 Following reading of the title of Ordinance No. 1803 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, 'Sewer Service,' by Repealing and Reenacting Section 13.12.150 Relating to Connections Outside City," having been introduced at a regular meeting of the Lodi City Council held September 19, 2007, the City Council, on motion of Mayor Pro Tempore Mounce, Katzakian second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson
 Noes: Council Members – Hitchcock
 Absent: Council Members – None
 Abstain: Council Members – None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:59 p.m.

ATTEST:

Randi Johl
 City Clerk

**CITY OF LODI
 INFORMAL INFORMATIONAL MEETING
 "SHIRTSLEEVE" SESSION
 CARNEGIE FORUM, 305 WEST PINE STREET
 TUESDAY, OCTOBER 9, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 9, 2007, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: Deputy City Manager Krueger, City Attorney Schwabauer, and City Clerk Johl

B. TOPIC(S)

B-1 "Presentation by the Lodi Chamber of Commerce Regarding General Plan White Paper Reports and Land Use Map"

Deputy City Manager Krueger briefly introduced the subject matter.

Chamber of Commerce President Pat Patrick provided a PowerPoint presentation regarding the General Plan White Paper Reports and Land Use Map. Specific topics of discussion included an overview, report criteria and identification, topic areas for reports, important recurring themes, and goals.

In response to Mayor Johnson, Pat Stockar stated the AL-5 designation was originally used to recognize some parcels that might have agricultural opportunity and give small farming areas a chance to flourish with possible homesteads. He stated the County has limitations on AL-5 zoning and agricultural manufacturing is not considered viable for AL-5 designation.

In response to Council Member Hansen, Pat Stockar stated that Lodi needs to sustain land but not necessarily control it. He stated a partnership is necessary with surrounding agencies, Stockton has made the City focus on its southern boundaries, farmers in the area will likely continue to farm, and a sphere of influence implies service delivery at a later date, which may not be the intent.

Discussion ensued between Council Member Hansen and Pat Stockar regarding the timing of the County's general plan, efforts regarding a community separator, costs of zoning over \$300,000, and a cooperative effort between the County, City, and landowners.

In response to Council Member Hitchcock, Pat Stockar stated it will be difficult to provide services to piecemealed pockets of land versus larger pieces of land. He stated the southern boundary will likely not move for a while because Stockton has plenty of land in reserve. Ms. Hitchcock stated that assuring there will not be additional annexations of the subject area will make Lodi more comfortable and be consistent with Local Agency Formation Commission policy. Mr. Stockar stated eventually there will be contracts with the farming community who will keep the zoning intact.

In response to Mayor Pro Tempore Mounce, Mike Carouba stated no one had contacted the cemetery and that is a good idea.

In response to Mayor Johnson, Mike Carouba stated he is not completely sure as to how to preclude distribution centers, but one suggestion might be to have more than the M-1 and M-2 zoning, which is very broad.

Mayor Pro Tempore Mounce suggested the owner of the property located on the corner of Harney Lane and 99, who is also interested in selling the property, be included as a stakeholder in the process.

In response to Mayor Pro Tempore Mounce, Pat Patrick stated that any incentive the City can provide with respect to the enterprise zone would be helpful. Discussion ensued between Mayor Johnson, Mayor Pro Tempore Mounce, and Pat Patrick regarding efforts by the San Joaquin Partnership and the process associated with getting points for enterprise zone designation.

Mayor Pro Tempore Mounce commended the Committee for its suggestion regarding an incentive program for police officers.

In response to Council Member Hansen, Pat Patrick stated there is a need in the community for an employment center if there is sufficient land and infrastructure available. Dale Gillespie stated there is a lot of competition for manufacturing and employment center types of jobs, the goal will be to capture the highest quality of employment, and an analysis of development costs will be necessary.

In response to Council Member Hansen, Pat Patrick stated it is important to have the economic development position because there is a need to have a good person on the inside to facilitate the permitting process and to help build the plan to attract the businesses.

In response to Mayor Johnson, Dale Gillespie stated there was no discussion regarding the north side of the river other than there is some need for Lodi to have an interest in the area so that it can be a party to relevant discussions from a preservation standpoint. Pat Stockar stated it is a unique recreational area for preservation.

In response to Council Member Hansen, Pat Patrick stated the theater is a good attraction but there is a need for a few more pieces, such as art galleries and possibly a skating rink, to attract people to the downtown area.

In response to Council Member Hansen, John Whetmore stated wine tasting is slow, the Cellar Door is starting to come around, and a nearby hotel and boutique is a great idea.

In response to Pat Patrick, Community Development Director Hatch stated they are currently working on opportunities for residential units and/or lofts in the downtown area.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Pat Patrick commended Mayor Johnson for his participation at the Street Faire.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:20 a.m.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids for City-Funded Maintenance of Landscape Areas for 2008

MEETING DATE: October 17, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve specifications and authorize advertisement for bids for City-funded maintenance of landscape areas for 2008.

BACKGROUND INFORMATION: This project provides for the contract maintenance of 168 landscaped sites in the public right-of-way, public buildings, parking lots, the Multimodal Station and the White Slough Water Pollution Control Facility. In the past year, additional sites were added that included the center median on Lower Sacramento Road south of Kettleman Lane and Westgate Drive. The total acreage of this contract now exceeds 45 acres.

This bid consists of three separate groups: Group A – Maintenance of Turf and Miscellaneous Landscape Areas, Group B – Maintenance of Lower Sacramento Road and Adjacent Landscape Areas, and Group C – Maintenance of Cherokee Lane and Adjacent Landscape Areas. The groups may be awarded separately to multiple contractors or together as one contract.

The level of maintenance will continue at the current frequency of once a month compared to the weekly service done in fiscal year 03/04. This has had a minimal impact on the overall appearance of the sites, although we do have an increased number of complaints about the maintenance. Staff feels the sites are at an overall acceptable level of appearance.

The specifications are on file in the Public Works Department.

FISCAL IMPACT: This current annual contract of \$210,275 maintains the existing landscape sites at a frequency level of once a month. Note that this work is separate from the landscape maintenance locations included in the various Landscape Maintenance Assessment Districts that have been established in new developments. Maintenance work at those locations is done more frequently.

FUNDING AVAILABLE: The money for this project will be coming from the 2007/08 Operating Budget – General Fund, Utility and Transit accounts (102011, 170403, 3215036, 210801, 180453, 103511, 170404, 3215042, 125052, 160652).
Budgeted: 2007/08 fiscal year

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by Curt Juran, Assistant Streets and Drainage Manager
RCP/GMB/CJ/dsg
cc: George M. Bradley, Streets and Drainage Manager

Curt Juran, Assistant Streets and Drainage Manager

APPROVED: _____
Blair King, City Manager



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract for Lane Line Striping for Various City Streets 2007 to Chrisp Company, of Fremont (\$50,152)

MEETING DATE: October 17, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution awarding the attached contract for Lane Line Striping for Various City Streets, 2007, to Chrisp Company, of Fremont, up to the amount of \$50,152.

BACKGROUND INFORMATION: This project provides for repainting of traffic stripes (lane lines) on various City streets. While a few locations that experience heavy wear are repainted annually, the current plan, using sprayable thermoplastic paint, is to paint 1/3 of our streets each year. However, the lane line paint application was skipped in 2006 as a cost reduction to balance pavement maintenance needs and available funds. Given that the bid was well below the estimate, staff proposes to partially catch up this year by adding additional striping consistent with funds budgeted.

A recap of the types of lane line and quantities for this contract is shown below:

<u>LANE LINES</u>	<u>MILES</u>	<u>COST</u>
Broken White	7.05	\$5,952.48
Broken Yellow	5.63	\$4,757.60
Double Yellow	3.31	\$7,350.00
Eight-Inch Solid White	.76	\$2,406.00
Four-Inch Solid White	.52	\$603.90
Continuous Left	1.83	\$3,870.80
Six-Inch Solid White	2.20	\$3,945.70
Six-Inch Skip	.20	\$362.10
Total Miles	21.50	\$29,248.58

The specifications for this project were approved on September 19, 2007. The City received one bid for this project on October 4, 2007. The Chrisp Company has done work within the City of Lodi numerous times with excellent results. The bid received was below the range of the estimate.

FISCAL IMPACT: This budgeted expense (\$50,152) will assist the Streets and Drainage Division in its continuing effort to maintain the City's lane lines for visibility and safety.

FUNDING AVAILABLE: The money for this work will be coming from the 2007/08 Street Operating Budget (Account No. 3215031).

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by Curt Juran, Assistant Streets and Drainage Manager
RCP/CJ/dsg
Attachment

cc: D. Stephen Schwabauer, City Attorney
George M. Bradley, Streets and Drainage Manager

APPROVED: _____

Blair King, City Manager

THIS CONTRACT, made by and between the CITY OF LODI, State of California, herein referred to as "**City**" and Chrisp Company herein called "**Contractor**."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The July 1999 Edition Standard
	Specifications, State of California
Information to Bidders General	Business and Transportation
Provisions	Agency, Department of
Special Provisions	Transportation
Bid Proposal	
Contract	
Contract Bonds	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I That for and in consideration of the payments and agreements hereinafter mentioned to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may

arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Contract Documents and the requirements of the Engineer under them, to-wit:

Perform the work necessary to install 21.50 miles of sprayable thermoplastic traffic stripes (traffic lines) on various City streets and other incidental and related work, all as shown on the specifications for SPRAYABLE THERMOPLASTIC TRAFFIC STRIPES, VARIOUS CITY STREETS, 2007.

BID ITEMS

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>EST'D QTY.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
1	4" Broken White	37,203	LF	\$ <u> .16</u>	\$ <u>5,952.48</u>
2	4" Broken Yellow	29,735	LF	\$ <u> .16</u>	\$ <u>4,757.60</u>
3	Double Yellow	17,500	LF	\$ <u> .42</u>	\$ <u>7,350.00</u>
4	8" Solid White	4,010	LF	\$ <u> .60</u>	\$ <u>2,406.00</u>
5	4" Solid White	2,745	LF	\$ <u> .22</u>	\$ <u>603.90</u>
6	Continuous Left	9,677	LF	\$ <u> .40</u>	\$ <u>3,870.80</u>
7	6" White Skip	1,065	LF	\$ <u> .34</u>	\$ <u>362.10</u>
8	6" White Solid	11,605	LF	\$ <u> .34</u>	\$ <u>3,945.70</u>

TOTAL BID **\$ 29,248.58**

ARTICLE V By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within 10 WORKING DAYS.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date first written below.

CONTRACTOR

Dated: _____, 2007

Authorized Signature

Title

TYPE OF ORGANIZATION

Individual, Partnership or Corporation

Address

(_____) _____
Telephone

(_____) _____
FAX

CITY OF LODI
a Municipal corporation

Blair King
City Manager

Attest:

Randi Johl
City Clerk

Approved as to Form:

D. Stephen Schwabauer
City Attorney

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE CONTRACT FOR LANE LINE
STRIPING FOR VARIOUS CITY STREETS 2007

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bid was received and publicly opened on October 4, 2007, at 11:00 a.m. for Lane Line Striping, Various City Streets, 2007, described in the specifications therefore approved by the City Council on September 19, 2007; and

WHEREAS, said bid has been checked and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Bid</u>
Engineers Estimate	\$49,741
Chrisp Company	\$29,248

WHEREAS, staff recommends awarding the bid for Lane Line Striping for Various City Streets, 2007, to the sole bidder, Chrisp Company, of Fremont, California; and

WHEREAS, sufficient funds are available to perform additional needed striping work.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the bid for Lane Line Striping for Various City Streets, 2007, be and the same is hereby awarded to Chrisp Company, of Fremont, California, the sole bidder, up to the amount of \$50,152.

BE IT FURTHER RESOLVED that the Public Works Director is authorized to add additional striping work under this contract up to the authorized amount of \$50,152.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council in a regular meeting held October 17, 2007, by the following votes:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Improvement Agreement for Public Improvements at 610 South Guild Avenue

MEETING DATE: October 17, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution approving the attached Improvement Agreement for Public Improvements at 610 South Guild Avenue and authorizing the City Manager and City Clerk to execute the agreement on behalf of the City.

BACKGROUND INFORMATION: The subdivision is located at 610 South Guild Avenue and consists of six industrial lots on five acres (Exhibit A).

The developer, Arthur L. Anderson and A. M. Stephens Construction Company, Inc., has furnished the City with improvement plans, necessary agreements, guarantees and insurance for the proposed project. The developer also paid the required improvement agreement preparation fee and other miscellaneous fees (\$33,594.49). Development Impact Mitigation Fees will be collected at time of building permit issuance of each individual parcel.

The public improvements include the installation of a public water main and miscellaneous street paving and driveway installations.

FISCAL IMPACT: There will be a slight increase in long-term maintenance costs for public infrastructure (water).

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by: Lyman Chang, Senior Civil Engineer

RCP/LC/pmf

Attachments

cc: Arthur L Anderson
A. M. Stephens Construction, Inc.
Senior Civil Engineer Chang
Junior Engineer Boyer

APPROVED: _____
Blair King, City Manager

**IMPROVEMENT AGREEMENT
for the
PUBLIC IMPROVEMENTS
of
610 S. Guild Avenue**

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City", Arthur L. Anderson, and A.M. Stephens Construction Company Inc., hereinafter referred to as "Developer".

RECITALS:

Developer has presented to City for approval a final parcel map, hereinafter called "map", and necessary street and easement dedications shown thereon, or provided under separate instrument.

Developer has requested approval of the map prior to the construction and completion of public improvements, including all streets, highways or public ways and public utility facilities which are a part of or appurtenant to the development, hereinafter called "project", all in accordance with and as required by the plans and specifications for all or any of said improvements in, appurtenant to, or outside the limits of project, which plans and specifications are now on file in the office of and endorsed with the approval of the Public Works Director or his designee.

Council of the City will accept the dedications offered on condition that Developer first enter into and execute this agreement with City; and

This agreement is executed pursuant to the provisions of the Subdivision Map Act of the State of California and Title 15 and 16 of the Lodi City Code.

NOW THEREFORE, for and in consideration of the acceptance of the dedications offered, and in order to insure satisfactory performance by Developer of Developer's obligations under State law and City code, the parties agree as follows:

1. Performance of Work by Developer

Developer will do and perform, or cause to be done and performed at Developer's own expense, in a good and workmanlike manner, and furnish all required materials, all under the direction and to the satisfaction of the Public Works Director, all of the work and improvements as shown on the approved improvement plans for the project, Drawing Nos.005D012-01 through 005D012-09, which are on file in the Public Works Department.

The Developer shall also perform or cause to be performed the following items which are not shown on the improvement plans:

- A. Natural gas line installation
- B. Telephone line installation
- C. Electrical system
- D. Cable TV system

2. Development Changes

Developer shall also perform all work and furnish all materials necessary to comply with any changes required by the Public Works Director, which, in his opinion, are necessary

or required to complete the work in conformance with City Standards or are the result of changed conditions.

3. Performance of Work by City

Prior to the approval of the final map by the City, it is agreed that the Developer shall deposit with the City the amount of money shown as the "Developer Cost" on Billing Schedule attached hereto and by this reference made a part hereof.

From payments made under Billing Schedule, Developer elects to have the City perform or install or cause the installation of the following items:

- A. Street seal coat
- B. 10-inch Water Service Hot Taps
- C. Televideo inspection of the public and private sewer and storm drain lines. The fee shown on the Billing Schedule is based on the linear footage of sewer and storm drain pipe, including laterals, shown on the improvement plans. The fee will be adjusted, if necessary, when the televideo inspection is complete. Any additional fee must be paid prior to project acceptance.

Developer shall also pay all additional costs for work performed by City forces deemed by the Public Works Director necessary to complete the work under this agreement in conformance with City Standards.

4. Development Impact Mitigation Fees

Development Impact Mitigation Fees for water, wastewater, street, storm drainage, Police Fire, Parks & Recreation, and General City facilities shall be paid at time of building permit issuance for each individual parcel.

5. Work; Time for Commencement and Performance

Developer shall, within 365 calendar days from the date of this agreement, perform or cause to be performed all work and/or improvements described under this agreement. At least 15 calendar days prior to the commencement of work hereunder, Developer shall notify the Public Works Director of the date fixed by Developer for commencement thereof so that City can provide inspection services.

6. Time Extension

Time is of the essence of this agreement. The City may extend the time for completion of the improvements hereunder under the terms of an Addendum to this agreement which shall be approved by the City Manager. Any such extension may be granted without notice to the Developer's surety, and extensions so granted shall not relieve the surety's liability on the bond to secure the faithful performance of this agreement. The City Manager shall be the sole and final judge as to whether or not good cause has been shown to entitle Developer to an extension.

7. Record Drawings and Certifications

Prior to acceptance of the project improvements, the Developer shall have installed and in place all survey monuments as shown on the Map and provided record drawings and certifications as described in the City of Lodi Public Improvement Design Standards.

8. Permits; Compliance with Law

Developer shall, at Developer's expense, obtain all necessary permits and licenses for the construction of such improvements, give all necessary notices and pay all fees and taxes required by law.

9. Superintendence by Developer

Developer shall give personal superintendence to the work on said improvement, or have a competent agent, foreman or superintendent, satisfactory to the Public Works Director, on the work at all times during progress, with authority to act for Developer.

10. Inspection by City

Developer shall at all times maintain proper facilities and provide safe access for inspection by City to all parts of the work. Inspections will be provided during normal working hours. Developer will be billed for inspections on work performed on weekends, holidays and overtime.

11. Contract Security

Concurrently with the execution hereof, Developer shall furnish Improvement Security of at least 100% of the estimated cost of public improvements plus deferred fees and engineering costs of surveying, record drawings and certifications as security for the faithful performance of this agreement and repair or replacement of defective work under Paragraph 17 following; and an amount equal to at least 50% of the above costs, excluding deferred fees, as security for the payment of all persons performing labor and furnishing materials in connection with this agreement as more fully described in the State Subdivision Map Act.

The City has determined these security amounts to be as follows:

Faithful Performance \$355,000.00
Labor and Materials \$177,500.00

12. Warranty Security

Prior to acceptance of the project improvements by the City, Developer shall furnish Warranty Security of at least 10% of the total cost of the actual project cost as of two weeks before the hearing on project acceptance. The warranty period shall be two (2) years following the date of acceptance of the improvements. If any portion of the project receives project improvements shall commence upon the date of final acceptance for the entire project.

13. Hold-Harmless Agreement

Developer hereby agrees to, and shall, hold City, its elective and appointive boards, commissions, officers, agents and employees, harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from Developer's or Developer's contractors', subcontractors', agents' or employees' operations under this agreement, whether such operations be by Developer or by any of Developer's contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for, Developer or any of Developer's contractors or subcontractors. Developer agrees to, and shall, defend City and its elective and appointive boards, commissions, officers, agents and employees from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid operations; provided as follows:

- A. That City does not, and shall not, waive any rights against Developer which it may have by reason of the aforesaid hold-harmless agreement, because of the acceptance by City, or the deposit with City by Developer, of any of the insurance policies described in Paragraph 14 hereof.

- B. That the aforesaid hold-harmless agreement by Developer shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not City has prepared, supplied or approved of, plans and/or specifications for the subdivision, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

14. Developer's Insurance

Developer shall not commence work under this agreement until Developer shall have obtained all insurance required under this paragraph, nor shall Developer allow any contractor or subcontractor to commence work on Developer's contract or subcontract until all similar insurance required of the contractor or subcontractor shall have been so obtained. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

A. Compensation Insurance

Developer shall maintain, during the life of this agreement, Worker's Compensation Insurance for all Developer's employees employed at the site of improvement, and in case any work is sublet, Developer shall require any contractor or subcontractor similarly to provide Worker's Compensation Insurance for all contractors' or subcontractors' employees, unless such employees are covered by the protection afforded by Developer. Developer hereby indemnifies City for any damage resulting to it from failure of either Developer or any contractor or subcontractor to take out or maintain such insurance.

B. Comprehensive General and Automobile Insurance

Developer shall take out and maintain during the life of this agreement such insurance as shall insure City, its elective and appointive boards, commissions, officers, agents and employees, Developer and any contractor or subcontractor performing work covered by this agreement from claims for damages for personal injury, including death, as well as from claims for property damage which may arise on the subdivision property, including any public streets or easements, from Developer's or any contractors' or subcontractors' operations hereunder, whether such operations be by Developer or any contractor or subcontractor or by anyone directly or indirectly employed by either Developer or any contractor or subcontractor, and the amount of such insurance shall be as follows:

1. COMPREHENSIVE GENERAL LIABILITY

\$2,000,000 Bodily Injury - Each Occurrence/Aggregate
\$2,000,000 Property Damage - Each Occurrence/Aggregate
or
\$2,000,000 Combined Single Limit

2. COMPREHENSIVE AUTOMOBILE LIABILITY

\$2,000,000 Bodily Injury - Each Person
\$2,000,000 Bodily Injury - Each Occurrence
\$2,000,000 Property Damage - Each Occurrence
or
\$2,000,000 Combined Single Limit

Developer must have comprehensive automobile liability only if Developer's vehicles are used on-site.

NOTE: Developer agrees and stipulates that any insurance coverage provided to the City of Lodi shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).

"Claims made" coverage requiring the insureds to give notice of any potential liability during a time period shorter than that found in the Tort Claims Act shall be unacceptable.

A copy of the certificate of insurance with the following endorsements shall be furnished to the City:

A. Additional Named Insured Endorsement

Such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed boards, commissions, officers, agents and employees as additional named insured insofar as work performed by the insured under written contract with the City of Lodi. This endorsement shall be on the form furnished by the City and shall be included with Developer's policies.

B. Primary Insurance Endorsement

Such insurance as is afforded by the endorsement for the additional insureds shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the insurance afforded by this endorsement.

C. Severability of Interest Clause

The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.

15. Evidence of Insurance

Developer shall furnish City, concurrently with the execution hereof, with satisfactory evidence of the insurance required and evidence that each carrier is required to give City at least 30 days prior notice of the cancellation or reduction in coverage of any policy during the effective period of this agreement. The address of the City of Lodi must be shown on the certificate of insurance, i.e., City of Lodi, 221 West Pine Street, Lodi, CA 95240.

16. Title to Improvements

Title to, and ownership of, all public improvements constructed hereunder by Developer shall vest absolutely in City upon completion and acceptance of such public improvements by City.

17. Repair or Reconstruction of Defective Work

If, within a period of 2 year after final acceptance by City of the work performed under this agreement, any structure or part of any structure furnished and/or installed or constructed, or caused to be installed or constructed by Developer, or any of the work done under this agreement, including the mitigation measures for dust and erosion control, fails to fulfill any of the requirements of this agreement plans and specifications

referred to herein, Developer and Developer's surety shall, without delay and without cost to City, repair or replace or reconstruct any defective or otherwise unsatisfactory part or parts of the work or structure. Should Developer or Developer's surety fail to act promptly or in accordance with this requirement, or should the exigencies of the case require repairs or replacements to be made before Developer can be notified, City may, at its option, make the necessary repairs or replacements or perform the necessary work, and Developer shall pay to City the actual cost of such repairs plus 15% for administration and overhead costs.

18. Repair or Replacement of City-owned Bypass Meter Assemblies

The Developer is required by the City to install bypass meter assemblies in conjunction with the installation of water mains in the City of Lodi. The City will supply these assemblies upon receipt of a deposit in the amount of \$5,000.00 for each assembly required. The purpose of the deposit is to guarantee the return of the assembly in good condition and fulfillment of the other obligations shown in the City's Policies and Procedures entitled "Metering Water Usage of New Water Mains Requiring Temporary Bypasses", a copy of which is attached hereto and made a part hereof.

19. Mud, Debris, Dust and Erosion

Developer agrees and covenants not to permit mud or other debris to be tracked from the construction site or elsewhere onto City or County streets or onto private property without express permission. Developer further agrees not to cause damage to City or County streets.

Should any mud or debris be deposited in City or County streets or any damage caused to City or County streets, the Developer shall have the same removed or repaired forthwith, and if not removed or repaired upon notice within a specified time, the City shall cause the same to be removed or repaired and the Developer shall be charged for the cost of said removal or repairs.

The Developer, Developer's contractor and/or agents shall be responsible so no dust or erosion problems are created during construction, including installation of telephone, electrical, cable television and gas facilities. Developer's responsibility for dust and erosion control shall extend to include a period of one year from the date of final acceptance by the City of the work performed under this agreement.

If a dust or erosion problem arises during development or within a period of one year from the date of final acceptance by the City of the work performed under this agreement, including but not limited to installation of telephone, electrical, cable television, and/or gas facilities, and has not, after notice, been abated by Developer within a specified period of time, the City shall cause the same to be controlled, and the Developer shall be charged with the cost of said control.

20. Fire Protection During Construction

Fire protection facilities approved by the Fire Chief, including all-weather access road and an approved water supply capable of supplying the required fire flow, shall be installed and made serviceable in accordance with the City fire code prior to and during the time of building construction. The above may be modified when alternate methods of protection approved by the Fire Chief are provided.

21. Protection of Existing Improvements

Damage to any existing improvements or private or public utility lines installed or being installed which damage occurs during the onsite and offsite construction required of Developer shall be the absolute responsibility and liability of Developer. In other words, it shall be the Developer's responsibility to pay for damage to existing improvements and

public or private utilities within the development. Damage to any existing facilities outside the limits of the subdivision damaged as part of the construction of the required subdivision improvements is also the Developer's responsibility.

22. Dwelling Occupancy

The City will not allow occupancy of any building or structure within the project until all deferred fees have been paid, public improvements have been approved and accepted by the Public Works Department per established City policy and other requirements of the City codes have been met. If building is started prior to acceptance of the improvements, it is the Developer's responsibility to inform all prospective purchasers that occupancy will not be permitted until said deferred fees are paid and public improvements are so accepted.

23. Developer Not Agent of City

Neither Developer nor any of Developer's agents or contractors are or shall be considered to be agents of City in connection with the performance of Developer's obligations under this agreement.

24. Notice of Breach and Default

If Developer refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extensions thereof, or fails to obtain completion of said work within such time, or if the Developer should be adjudged bankrupt, or Developer should make a general assignment for the benefit of Developer's creditors, or if a receiver should be appointed in the event of Developer's insolvency, or if Developer or any of Developer's contractors, subcontractors, agents or employees, should violate any of the provisions of this agreement, the Public Works Director or City Council may serve written notice upon Developer and Developer's surety of breach of this agreement, or any portion thereof, and the default of Developer.

25. Breach of Agreement; Performance by Surety or City

In the event of any such notice, Developer's surety shall have the duty to take over and complete the work and the improvements or warranty work herein specified; provided however, that if the surety, within five days after the serving upon it of such notice of breach, does not give City written notice of its intention to take over the performance of the contract, and does not commence performance thereof within 5 days after notice to City of such election, City may take over the work and prosecute the same to completion, by contract or by any other method City may deem advisable, for the account and at the expense of Developer, and Developer's surety shall be liable to City for any excess cost or damage occasioned City thereby; and, in such event, City, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to Developer as may be on the site of the work and necessary therefor.

26. Notices

All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

Richard C. Prima, Jr.
Public Works Director
221 West Pine Street
P. O. Box 3006
Lodi, CA 95241-1910

Notices required to be given to Developer shall be addressed as follows:

Arthur L. Anderson
Donna S. Anderson
Single Trust
11 Jennifer Lane, Alamo, California

Notices required to be given to Developer's agent shall be addressed as follows:

A.M. Stephens Construction
Company, Inc.
P.O. Box 1847
Lodi, California 95241

Notices required to be given to surety shall be addressed as follows:

Western Surety Company
2990 Douglas Blvd. #146
Roseville, California
95661-4221

Provided that either party or the surety may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

26. Execution

In Witness Whereof, Developer and City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

10-1-07
Date

10-1-07
Date

DEVELOPER
Arthur L. Anderson
Arthur L. Anderson

A.M. Stephens Construction Company Inc.
A.M. Stephens Construction Company Inc.

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____
Blair King, City Manager

Date

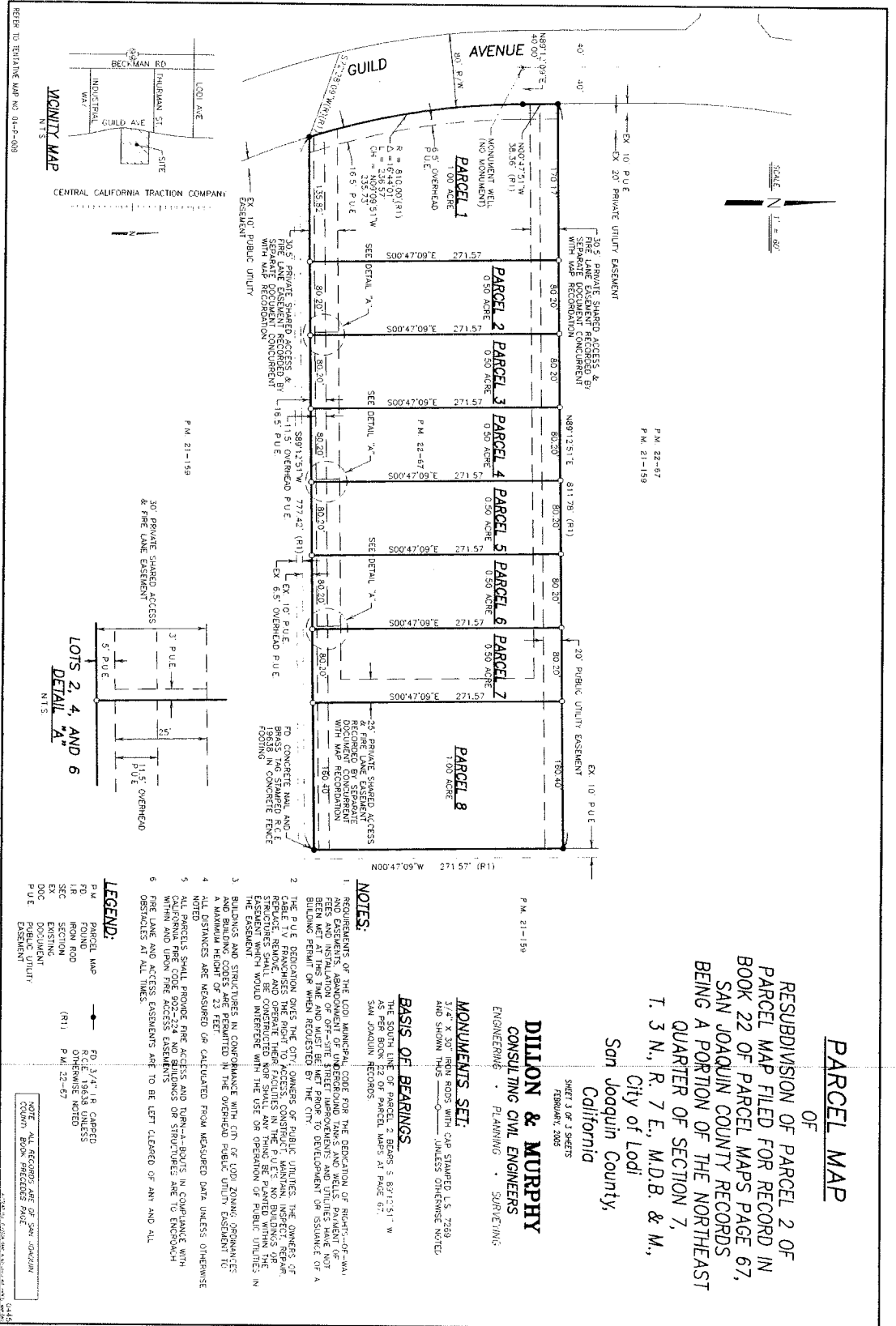
ATTEST:

Randi Johl, City Clerk

Date

APPROVED AS TO FORM:

D. Stephen Schwabauer, City Attorney



RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING IMPROVEMENT AGREEMENT
FOR THE PUBLIC IMPROVEMENTS AT
610 SOUTH GUILD AVENUE

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Improvement Agreement for Public Improvements at 610 South Guild Avenue; and

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing Extension of Elevator Services Contract with Elevator Technology, Inc., of El Dorado Hills (\$22,375) and Authorizing Option to Extend Contract for an Additional Two Years

MEETING DATE: October 17, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to extend the contract for the above project to Elevator Technology, Inc., of El Dorado Hills, in the amount of \$22,375 for two years and authorizing the City Manager to extend the contract up to an additional two years, if an extension is in the best interest of the City.

BACKGROUND INFORMATION: The attached agreement is to provide for ongoing services to elevators at City Hall, Carnegie Forum, Police Facility, Lodi Station Parking Structure, Public Safety Building, and Hutchins Street Square, for a period of two years.

Plans and specifications for this project were approved on October 5, 2005, and on November 2, 2005, the contract was awarded to Elevator Technology, Inc., in the amount of \$19,975 for two years, with an option to renew. That contract consolidated elevator services City-wide from four contractors to one, and included the option to add two Hutchins Street Square elevators serviced under separate contracts, when they expire. The contract with Elevator Technology will expire in December, and they agreed to extend the contract for an additional two years with a \$100 per month increase, which will be \$2,400 added to the existing contract amount.

Elevator Technology has provided competent and responsive service and, even with the increase, is comparable with the second low bidder's cost of two years ago. Their request for a 6% per year price increase is justified by their previous and new 5-year union labor contracts with 6% annual labor cost additions, plus other operational cost increases (i.e., gasoline). All other terms and conditions of the contract will remain the same.

FISCAL IMPACT: The fiscal impact is minimal, at an additional cost of \$100 per month.

FUNDING AVAILABLE: Budgeted in Facilities Services Operating and Hutchins Street Square Maintenance accounts.

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager
Attachment

cc: City Attorney
Community Center Director

Purchasing Officer
HSS Senior Facilities Maintenance Worker

Facilities Supervisor
Elevator Technology, Inc.

APPROVED: _____
Blair King, City Manager

AGREEMENT TO EXTEND CONTRACT
FOR ELEVATOR MAINTENANCE SERVICES
FOR CITY FACILITIES

THIS CONTRACT EXTENSION AGREEMENT, made and entered into this _____ day of _____, 2007, by and between the CITY OF LODI, a municipal corporation, hereinafter called "Owner", and ELEVATOR TECHNOLOGY, INC., hereinafter called "Contractor."

WITNESSETH:

Pursuant to the Option to Renew set forth in the Contract for Elevator Maintenance for City Facilities, dated December 6, 2005 (the "Contract"), the parties agree to extend the term of the Contract from December 1, 2007 to November 30, 2009.

Parties further agree that City has the option to renew the Contract for an additional two-year period (December 1, 2009 – November 30, 2011), by providing Elevator Technology notice of its intention to renew no later than August 1, 2009.

All terms and conditions of the Contract (attached hereto as Exhibit A and incorporated herein by this reference) will remain as written.

IN WITNESS WHEREOF, Owner and Contractor have executed this Contract Extension Agreement on the date and year first above written.

CITY OF LODI

Elevator Technology Inc., a California Corporation

By: _____
BLAIR KING, City Manager

By: _____

Attest:

Name

RANDI JOHL, City Clerk

Title

Approved as to Form:

JANICE D. MAGDICH, Deputy City Attorney

**ELEVATOR MAINTENANCE
FOR CITY FACILITIES****CONTRACT**

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the City of Lodi, State of California, herein referred to as the "City," and ELEVATOR TECHNOLOGY, INC., herein referred to as the "Contractor."

W I T N E S S E T H :

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

- Notice Inviting Bids
- Information to Bidders
- General Conditions
- Special General Conditions
- Bid Proposal
- Contract

All of the above documents, sometimes hereinafter collectively referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to maintain in a good workmanlike and substantial manner and to the satisfaction of the City the proposed service and maintenance of the listed elevators located in city facilities.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5, 2.3, "Payment for Work Performed," of the General Conditions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of and accepts all responsibility for compliance with all Labor Code requirements.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this Contract; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for

all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Facilities Manager under them, to-wit:

Perform the maintenance and service work, and furnish all labor and equipment necessary to maintain elevators operated in City of Lodi Facilities and other incidental and related work in accordance with these specifications. The areas to be maintained are shown below and in Section 5, General Conditions, 5.1, Description of Work, and in the specifications for "Elevator Maintenance for City Facilities". Estimated quantities are based on a two (2) year contract, monthly frequency. Estimated quantities defined in Section 6.3, I. Refer to Section 6.3, J for elevator price calculation instructions.

The contract price is to be all inclusive (labor, overheads, supervision, equipment, disposal costs, fees, licenses, etc.).

Elevator Maintenance

Item	Location	¹ Service Schedule	Unit	Estimated Quantity (visits)	Number of Cars at Location	Unit Price per Car per Visit	Total Price
1.	Parking Structure 50 N. Sacramento St.	Complete	Visit	24	2	\$ 100.00	\$4,800.00
2.	² Police Department 215 W. Elm St.	Complete	Visit	23	3	\$ 100.00	\$6,900.00
3.	Public Safety Building 230 W. Elm St.	Oil & Lube	Visit	24	1	\$ 60.00	\$1,440.00
4.	Carnegie Forum 305 W. Pine St.	Complete	Visit	24	1	\$ 100.00	\$2,400.00
5.	City Hall 221 W. Pine St.	Complete	Visit	24	1	\$ 100.00	\$2,400.00
6	³ Hutchins Street Square Senior Center 125 S. Hutchins St.	Complete	Visit	14	1	\$ 100.00	\$1,400.00

⁴ Billable Callouts for Repair

Item	Time of Occurrence	Estimated Quantity (Call-outs)	Typical Repair Time (Hr.)	Repair Rate (\$/Hr.)	Travel Time (\$)	Total Repair Cost (\$)
7	Monday through Friday, 8:00 a.m.- 5:00 p.m.	7	½ hr.	\$125.00	(Included) \$0.00	\$437.50
8	Monday through Friday, 5:01 p.m.- 7:59 a.m., Saturdays	1	½ hr.	\$185.00	(Included) \$0.00	\$92.50
9	Sundays, Holidays	1	½ hr.	\$210.00	(Included) \$0.00	\$105.00

10	Additional Contractor provided services included during contract term (See note 5, below)	State-required load tests included at no additional cost. Quantity unknown. 25% mark-up on parts.	\$0.00
GRAND TOTAL			\$19,975.00

Notes:

1. Service Schedule - Refer to Section 6.3, C & 6.3, D.

2. Police Department Elevators - Begin service at this location on January 1, 2006.

3. Hutchins Street Square - Service begins on September 1, 2006.

4. Billable Call-outs Refer to Section 6.3, L for the definition of billable call-outs and bidding formula.

5. Additional Contractor Provided Services - Bidders may propose additional services or value during the contract term. These additional items will be included in the evaluation process, if in the City's best interest. Additional services or value shall be described in sufficient detail for each item to allow the City to clearly evaluate the bid. Refer to Section 6.3, M.

Examples of these items include:

- Providing proprietary software to the City
- Offering new pricing on existing, unexpired service contracts
- Reduced parts mark-ups.
- Elevator car refitments
- Elevator load tests

Additional Contractor provided services or value shall be submitted and attached to the bid documents, on company letterhead, and signed by the Bidder.

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of the Contract Documents and the Bid Proposal of the Contractor, then the Contract Documents shall control and nothing herein shall be considered as an acceptance of the terms contained in said proposal that conflict herewith.

ARTICLE VII – Not applicable (grades/easements)

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the Mayor has executed the Contract.

Period of Contract This Contract provides for accomplishment of specified work for a period of twenty-four (24) months following award of Contract, from December 1, 2005.

Option to Renew By mutual agreement, the City and Contractor may enter into an agreement to extend this Contract.

Price Adjustment No price adjustment will be made during the term of this Contract. If the City elects to renew the contract, the Contractor may request price adjustment consideration prior to renewal. Contractor must request and justify any price increases in writing 60 days prior to renewal date.

Assignment The Contractor shall not assign nor shall not attempt to assign this Contract without the written consent of the City having been first obtained.

Damages The Contractor will report to the Facilities Manager any damages caused by the Contractor's employees or equipment to any public facilities or equipment, and repair same at Contractor's expense, subject to the City's prior approval of the means, methods, and materials associated with such repair.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE PERIOD FOR THIS CONTRACT IS DECEMBER 1, 2005 THROUGH NOVEMBER 30, 2007, AND THE CONTRACTOR AGREES TO SUBMIT MONTHLY BILLINGS.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

Elevator Technology Inc

By: [Signature]

[Signature]
Title

CITY OF LODI

By: [Signature]
Mayor

Date: 12-6-05

Attest:

[Signature]
City Clerk

(CORPORATE SEAL)

Approved as to form:

[Signature]
D. Stephen Schwabauer
City Attorney

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING CITY MANAGER TO EXECUTE
AGREEMENT TO EXTEND THE ELEVATOR
TECHNOLOGY, INC., CONTRACT THROUGH
2009 WITH AN ADDITIONAL OPTION TO
EXTEND FOR TWO YEARS

=====

WHEREAS, in 2005 the City of Lodi entered into an agreement with Elevator Technology, Inc. for elevator services that contained an option to renew; and

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the City Manager to execute Agreement to extend the Elevator Technology, Inc., contract through 2009, in the amount of \$22,375; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the option to add to this contract the service of two Hutchins Street Square elevators currently serviced under a separate contract when that contract expires; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to extend the contract for an additional two years (to 2011), if an extension is in the best interest of the City.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the City Manager to execute a Novation Agreement with Sempra Energy Trading Corporation and The Royal Bank of Scotland transferring interest in a Power Purchase Sales and Enabling Agreement dated May 27, 2004 (EUD)

MEETING DATE: October 17, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute a Novation Agreement with Sempra Energy Trading Corporation and The Royal Bank of Scotland transferring interest in a Power Purchase Sales and Enabling Agreement dated May 27, 2004.

BACKGROUND INFORMATION: The City of Lodi and Sempra Energy Trading Corporation (Sempra) are parties to a Power Purchase and Sales Enabling Agreement dated May 27, 2004 (Sempra/Lodi Agreement). This agreement was executed by the Electric Utility Director pursuant to the authority granted by Lodi City Council Resolution 2001-34. Sempra is one of the subsidiaries of the parent corporation of San Diego Gas and Electric Company.

On July 9, 2007, Sempra announced that it would form a joint venture with The Royal Bank of Scotland (RBS) to form a joint venture to be known as RBS Sempra Commodities LLP which will acquire a controlling interest (51%) in Sempra and its subsidiaries as well as its managed affiliates. Thirty days after the transaction's closing date (early 2008), RBS will be the principal entity under all of Sempra's transactions and will conduct the commodity trading business as agent for Sempra.

As a result, all outstanding agreements and transactions are being transferred and assumed by RBS at closing date. The Royal Bank of Scotland is rated Aaa by Moody's and AA by Standard & Poors and is advertised as one of the largest financial institutions in the world.

In order to formally transfer interest in the Sempra/Lodi Agreement, it has been requested that the City execute a Novation Agreement with Sempra and RBS. The Novation Agreement basically provides that RBS is stepping into the contractual "shoes" of Sempra and undertaking all obligations of the Sempra/Lodi Agreement.

As background, the Sempra/Lodi Agreement is an "enabling" agreement. This means that it contains the basic terms and conditions affecting any wholesale electric transactions between the parties to the agreement. The specific details of any transaction (typically price, term, delivery point and type of service) will be contained in a subsequent Confirmation document.

Staff has reviewed the terms and conditions of the Sempra/Lodi Agreement and believes that it is beneficial to continue to have the agreement remain in effect with The Royal Bank of Scotland as the

APPROVED: _____
Blair King, City Manager

principal party. There is no obligation to undertake future transactions under the agreement but it would be in place in the event that a transaction with RBS is deemed to be in the best interest of the City.

FISCAL IMPACT: There is no financial impact to execution of the proposed Novation Agreement.

FUNDING: Not applicable.

George F. Morrow, Electric Utility Director

Attachment

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE
CITY MANAGER TO EXECUTE A NOVATION AGREEMENT WITH SEMPRA
ENERGY TRADING CORPORATION AND THE ROYAL BANK OF SCOTLAND
TRANSFERRING INTEREST IN A POWER PURCHASE SALES AND
ENABLING AGREEMENT DATED MAY 27, 2004

=====

WHEREAS, on the City of Lodi and Sempra Energy Trading Corporation (Sempra) are parties to a May 27, 2004 Power Purchase Sales and Enabling Agreement;

WHEREAS, Sempra has announced that it has formed a joint venture under which The Royal Bank of Scotland (RBS) will be the principal entity under future electric transactions between the City and Sempra;

WHEREAS, Sempra has requested that the City of Lodi execute a Novation Agreement which will formally recognize that RBS will be the future trading agent for Sempra after the transactions closing date expected in early 2008; and

WHEREAS, the Lodi Electric utility believes it is advantageous to have the agreement with Sempra remain in effect with RBS as the principal,

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the Novation Agreement and authorizes the City Manager or his designee to execute the Agreement and authorizes the Electric Utility Director or his designee to administer the Agreement.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007 - _____

NOVATION AGREEMENT

This Novation Agreement (the "Novation Agreement"), is entered into by and among Sempra Energy Trading Corp. ("SET"), The Royal Bank of Scotland plc ("RBS") and CITY OF LODI ("Counterpart") and dated as of the date of Counterpart's signature hereto. SET, RBS and Counterpart are sometimes each referred to herein as a "Party" or collectively as the "Parties". Certain capitalized terms used herein are defined in Article 4.

WHEREAS, SET and Counterpart have entered into one or more Agreements.

WHEREAS, effective at the Novation Time on the Novation Date, SET wishes to assign and transfer by novation to RBS, and RBS wishes to accept the assignment and transfer by novation of, all of the rights, liabilities, duties and obligations of SET under and in respect of the Agreements and Counterpart wishes to consent to the same each on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained in this Novation Agreement, the Parties hereto agree as follows:

ARTICLE 1 **NOVATION AND ASSIGNMENT**

Section 1.1 Assignment and Novation. The Parties agree that, effective at the Novation Time on the Novation Date, all outstanding Agreements between SET and Counterpart will be transferred and novated to RBS and RBS will assume all of SET's rights and obligations under such Agreements, whenever created or incurred. Therefore, after such transfer it will be as if such Agreements had originally been entered into with RBS and Counterpart. Additionally, effective at the Novation Time on the Novation Date, SET shall be released and discharged from any and all liabilities and obligations to Counterpart with respect to all of the Agreements.

Section 1.2 Conditions. The Parties shall use commercially reasonable efforts to ensure that the following conditions (the "Conditions") will be satisfied effective as of the Novation Time on the Designated Novation Date:

- (a) any Letter of Credit delivered by Counterpart to secure its obligations under any Agreement shall (i) be amended to reflect RBS as the new beneficiary, or (ii) be replaced by a new Letter of Credit issued in favor of RBS and meeting the requirements of the Agreement to which it corresponds;
- (b) any guarantees issued by a credit support provider of Counterpart in favor of SET (the "Old Guarantees") pursuant to the Agreements shall be replaced by one or more guarantees of such credit support provider issued in favor of RBS containing, except for such new beneficiary, identical terms to the Old Guarantees; provided, however, that if any Old Guarantee shall also have been issued in favor of an affiliate of SET, such Old Guarantee shall not be terminated in respect of any such affiliate by this Novation Agreement (it being understood that if such Old Guarantee is to be terminated in respect of such affiliate that termination shall be effected by a novation agreement in form and substance

substantially similar to this Novation Agreement between Counterpart and such affiliate); and

(c) all U.S., U.K., European Commission and other national, federal, state and provincial regulatory, governmental and exchange and clearinghouse and other similar approvals, if any, necessary to effect the consummation of the novations (including, without limitation, the approval of any independent system or grid operator) contemplated hereby have, in the reasonable opinion of SET, been received by the applicable Parties.

If the Conditions cannot be satisfied as of the Novation Time on the Designated Novation Date, the Parties shall use commercially reasonable efforts to insure that such Conditions will be satisfied as soon as practicable thereafter.

Section 1.3 Novation Date. SET and RBS shall notify Counterpart of the earliest date upon which the transfer and novation specified in Section 1.1 will be effective (such earliest date, the "Designated Novation Date"). The "Novation Date" shall be (i) the Designated Novation Date if the Conditions are satisfied, or are waived by SET and RBS, at the Novation Time on such date, or (ii) if the Conditions are not so satisfied or waived on such date, the Business Day immediately following the date on which SET and RBS notify Counterpart that the Conditions are satisfied or are otherwise waived by SET and RBS.

Section 1.4 Amendments to Agreements. Effective at the Novation Time on the Novation Date, each of the Agreements shall be amended as follows:

(a) The notice provisions therein shall be amended to include an obligation of Counterpart to provide a copy of any event of default, potential event of default or similar termination event notice to RBS at the addresses set forth in Annex A.

(b) If any Agreement contains tax representations with respect to withholding taxes given by SET or Counterpart (the "Old Tax Representations"), such Old Tax Representations shall be deleted in their entirety and shall be replaced and superseded by the tax representations set forth in Annex B.

(c) If any margin or credit support is required under the Agreements, the required amount (i) will continue to be calculated in the manner contemplated by the Agreements taking into account the credit rating of RBS, and (ii) will only take account of existing transactions under the Agreements and any new transactions under the Agreements entered into with RBS through SET acting as agent and will not take account of any other transactions between RBS and Counterpart.

(d) Any cash margin held by SET pursuant to the terms of the Agreements shall be transferred to RBS and any cash margin held by Counterpart pursuant to the terms of the Agreements shall be held by Counterpart for the account of RBS.

(e) The presentation of a petition for the winding-up or liquidation of a party to any Agreement by a party other than such party shall not be a default, event of default or similar event under the terms of any such Agreement if such petition is withdrawn, dismissed,

discharged, stayed or restrained within 15 days of its presentation. If such petition has not been withdrawn, dismissed, discharged, stayed or restrained within 15 days of its presentation, the other party shall be entitled to exercise its rights and remedies under such Agreement in respect thereof.

(f) Except as expressly amended in this Section 1.4 or otherwise under this Novation Agreement, the terms and conditions of the Agreements shall remain in full force and effect without change.

ARTICLE 2

TERMINATION OF SEMPRA GUARANTEES

Section 2.1 Effective at the Novation Time on the Novation Date, (i) any guarantees of SET's obligations issued or assumed by Sempra Energy (including any guarantees issued or assumed by its predecessors-in-interest, Pacific Enterprises and Enova Corporation) with Counterpart as beneficiary shall be terminated in respect of Counterpart as beneficiary; provided, however, that if any such guarantee shall also have been issued in favor of an affiliate of Counterpart, such guarantee shall not be terminated in respect of any such affiliate by this Novation Agreement (it being understood that if Sempra Energy's guarantee is to be terminated in respect of such affiliate that termination shall be effected by a novation agreement in form and substance substantially similar to this Novation Agreement to which such affiliate of Counterpart is a party); and (ii) Sempra Energy shall not be a credit support provider in respect of any Agreement. Counterpart agrees that any such guarantee issued by Sempra Energy will be returned to SET as soon as practicable following termination of such guarantee as to all beneficiaries.

ARTICLE 3

REPRESENTATIONS AND WARRANTIES

Section 3.1 Representations and Warranties of Each Party. As of the date of this Novation Agreement and as of the Novation Date, each of the Parties makes to each of the other Parties the following representations and warranties:

(a) **Obligations Binding.** Its obligations under this Novation Agreement constitute its legal, valid and binding obligations, enforceable in accordance with their respective terms (subject to applicable bankruptcy, reorganization, insolvency, moratorium or similar laws affecting creditors' rights generally and subject, as to enforceability, to equitable principles of general application (regardless of whether enforcement is sought in a proceeding in equity or at law));

(b) **Consents.** With the exception of any approvals required but not yet obtained under Section 1.2(c), all governmental and other consents that are required to have been obtained by it with respect to this Novation Agreement have been obtained and are in full force and effect and all conditions of any such consents have been complied with; and

(c) **No Violation or Conflict.** Such execution, delivery and performance do not violate or conflict with any law applicable to it, any provision of its constitutional

documents, any order or judgment of any court or other agency of government applicable to it or any of its assets or any contractual restriction binding on or affecting it or any of its assets.

Section 3.2 **No Prior Transfer.** Except for any security interests granted by SET which shall be terminated and released at or before the Novation Time on the applicable Novation Date, SET and Counterpart each represent and warrant to each other and to RBS that it has made no prior transfer (whether by way of security or otherwise) of any Agreement or any interest or obligation in or under any Agreement.

ARTICLE 4

DEFINITIONS

Section 4.1 **Certain Definitions.** For purposes of this Novation Agreement, the terms listed below shall have the following definitions:

- (a) “Agreement” means any contract, trade, confirmation, or other written or verbal agreement of any kind or character between SET and Counterpart.
- (b) “Business Day” means a day, other than a Saturday or Sunday, on which commercial banks are generally open for business in London and New York.
- (c) “Designated Novation Date” has the meaning specified in Section 1.3
- (d) “Novation Date” has the meaning specified in Section 1.3.
- (e) “Novation Time” means the beginning of the hour ending 0100 eastern prevailing time on the Novation Date.

ARTICLE 5

OTHER PROVISIONS

Section 5.1 **Amendment; Transfer, Entire Agreement.** No modification, amendment, cancellation, termination or waiver of any provision of this Novation Agreement shall be effective unless in writing and executed by the Parties hereto. None of the Parties may assign, transfer, or otherwise convey any or all of its rights or obligations hereunder without the prior written consent of each of the other Parties. This Novation Agreement together with any annexes referred to herein sets out the entire understanding of the Parties and supersedes any and all prior agreements, arrangements and understandings relating to the subject matter of this Novation Agreement. This Novation Agreement shall be null and void and of no further force and effect if the joint venture arrangement between Sempra Energy and RBS shall not be consummated.

Section 5.2 **Headings.** The headings of Articles and Sections in this Novation Agreement are provided for convenience only and will not affect its construction or interpretation.

Section 5.3 Governing Law. The Parties agree and acknowledge that this Novation Agreement will be governed by and construed in accordance with the laws of the State of New York, without reference to any conflicts of laws principles.

Section 5.4 Additional Assurances. The Parties agree to cooperate with one another and to use their commercially reasonable efforts to effect, or cause to be effected, as the case may be, the transactions contemplated by this Novation Agreement. Each of the Parties shall, at any time and from time to time after the date hereof, upon the request of any other Party, execute, acknowledge and deliver all such further instruments or assurances as may be necessary, in the reasonable judgment of the requesting Party, to carry out the provisions and intent of this Novation Agreement.

Section 5.5 Counterparts. This Novation Agreement may be executed in one or more counterparts, each of which shall for all purposes be an original, and all such counterparts shall constitute one and the same instrument. In addition, this Novation Agreement may contain more than one counterpart of the signature pages, and all such counterpart signature pages shall have the same force and effect as though all Parties had signed a single set of signature pages.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Parties have executed this Novation Agreement as of the date first set out above.

CITY OF LODI

SEMPRA ENERGY TRADING CORP.

By: _____
Name:
Title:
Date:

By: Mara Kent
Name: Mara Kent
Title: Vice President
Date: August 10, 2007

THE ROYAL BANK OF
SCOTLAND PLC

CITY OF LODI

APPROVED AS TO FORM:

By: Mark Rose
Name: Mark Rose
Title: Managing Director and Associate General Counsel
Date: August 10, 2007

D Stephen Schwabauer
City Attorney

ATTEST:

Acknowledged and agreed solely with respect to Article 2

Randi Johl
City Clerk

SEMPRA ENERGY

By: Charles A. McMonagle
Name:
Title: CHARLES A. McMONAGLE
Date: August 10, 2007 SENIOR VP AND TREASURER

ANNEX [A]

ADDRESSES FOR LEGAL NOTICES

The Royal Bank of Scotland plc
C/o RBS Global Banking & Markets
135 Bishopsgate
London EC2M 3UR
Attention: Head of Group Legal, Global Banking & Markets
Telephone: 44 207 085 5000
Facsimile: 44 207 085 8411

ANNEX [B]

TAX REPRESENTATIONS

Payee Tax Representations. For the purpose of Section 3(f) of the ISDA Master Agreement, RBS makes the following representations:

- (a) It is a tax resident of the United Kingdom;
- (b) It is a "foreign person" within the meaning of the applicable U.S. Treasury Regulations concerning information reporting and backup withholding tax (as in effect on January 1, 2001), unless Party A provides written notice to Party B that it is no longer a foreign person;
- (c) In respect of each Transaction it enters into through an office or discretionary agent in the United States or which otherwise is allocated (in whole or part) for United States federal income tax purposes to such United States trade or business, each payment received or to be received by it under such Transaction (or portion thereof, if applicable) will be effectively connected with its conduct of a trade or business in the United States; and
- (d) In respect of all other Transactions or portions thereof, no such payment received or to be received by it in connection with this Agreement is attributable to a trade or business carried on by it through a permanent establishment in the United States.

POWER PURCHASE AND SALES

ENABLING AGREEMENT

This Power Purchase and Sale Agreement ("Agreement"), dated as of May 27, 2004, is entered into by and between the City of Lodi and Sempra Energy Trading Corp. ("SET"), a Delaware corporation (referred to individually as a "Party" or collectively as the "Parties"). This agreement enables, but does not obligate, the Parties to enter into transaction with each other to purchase, sell and/or exchange Power.

RECITALS

WHEREAS, Lodi is a California Municipality authorized to provide electric service at retail in and around the City of Lodi, California; and

WHEREAS, SET is engaged in the business of buying and selling electric capacity and energy at wholesale pursuant to and in accordance with its market-based rate authority granted to it by the Federal Energy Regulatory Commission; and

WHEREAS, the Parties desire to sell and deliver and/or purchase and receive Firm Capacity and Energy in accordance with the terms and conditions of this Power Sales Agreement.

NOW THEREFORE, in consideration for the agreements and undertaking established herein and the mutual benefits derived there from, it is agreed as follows:

AGREEMENT

The Parties hereby incorporate by reference herein, and make a part of this Power Supply Agreement, the terms of the Western Systems Power Pool Agreement, effective Date February 1, 2003 with the exception of the following specified provisions:

Section 1 ("Parties")

Section 2 ("Recitals")

Section 5 ("Term and Termination")

Section 6 ("Service Schedules and WSPP Default Transmission Tariff"), except the second sentence of Section 6.1

Section 7 ("Hub and Operating Agent")

Section 8 ("Organization and Administrative")

Sub-sections 13.2, 13.3, and 13.4 of Section 13 ("Approvals")

Section 16 ("Membership")

Sub-section 22A ("Default in Payment of WSPP Operating Costs")

Sections 24 ("Governing Law")

Section 34 ("Dispute Resolution")

Section 40 ("Execution of Counterparts")

Section 41 ("Witness")

Exhibit D ("WSPP Mediation and Arbitration Procedures")

ADDITIONAL PROVISIONS

The Parties hereby agree to additional provision as follows:

1. Choice of Laws: All transactions entered into between the Parties pursuant to the WSPP Agreement shall be governed by and construed in accordance with the laws of the state of California without giving effect to principles of conflicts of laws. The parties agree that contract power shall be treated as a good for purposes of the Uniform Commercial Code of the State of California.

2. Mobile-Sierra Provision. The standard of review for changes to any portion of this Agreement or any transaction entered into hereunder proposed by a Party, a non-party or the Federal Energy Regulatory Commission acting sua sponte shall be the "public interest" standard of review set forth in United Gas Pipeline Line Co., v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956) (the "Mobile-Sierra" doctrine).
3. No Challenge Defense of Agreement. Neither Party will exercise any of its respective rights under Section 205 or Section 206 of the Federal Power Acts to challenge or seek to modify any of the rates or other terms and conditions of this Agreement or any transactions entered into hereunder.

NOTICE INFORMATION

All written notices under this Confirmation shall be deemed properly sent if delivered in person or sent by facsimile, or by registered or certified mail, postage prepaid to the persons specified below:

Other Than Confirmations of Transactions

If to Lodi:

City of Lodi:
1331 S Ham Lane
Lodi, CA 95242
Attn: Alan N. Vallow

Facsimile: 209 333-6839

If to SET:

Sempra Energy Trading Corp.:
58 Commerce Road
Stamford, CT 06902
Attn: Operations
Telephone: 203 355-5613
Facsimile: 203 355-6614

With a copy to General Counsel
at Facsimile Number: 203-355-5410

I. Confirmations of Transactions

If to Lodi:
Facsimile: 209-333-6839

If to SET:
Telephone: 203 355-5190
Facsimile: 203 355-6600

II. Payments

All payments shall be made by electronic wire transfer as follows:

To Lodi
Farmers & Merchants Bank
ABA No 121108441
Account No.00-10001-3-01

To SET
Bank One, N. A.
ABA 071000013
Account No. 1001320.

Except to the extent herein provided for, no amendment or modification to the Agreement shall be enforceable unless reduced to writing and executed by both Parties.

The Parties intend to make the referenced and incorporated provisions binding upon them for purposes of this Power Supply Agreement notwithstanding the lack of membership of any Party in the WSPP at any time during the term of this Power Supply Agreement.

CITY OF LODI, a municipal of California

By: 

Name: Alan N. Vallow

Title: Electric Utility Director

Date: 7/14/04

**SEMPRA ENERGY TRADING
CORP.**

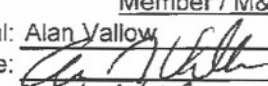
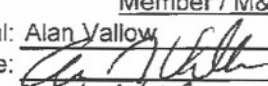
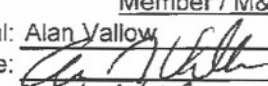
By: 

Name: CLIFFORD PAPISH
VICE PRESIDENT

Title: _____

Date: 7/21/04

NCPA Deal Control Schedule

1. Deal Number:	1007727																										
2. Deal Type:	PURCHASE	FIRM ENERGY																									
3. Contract - Product:	WSPP	<u>XXX</u>	NCPP																								
4. Participating Members:	Lodi 100%																										
5. Term:	Aug-04	(Example: Jan 99, Q2 99, Annual 99)																									
6. Shape:	HLH	7x24 / 7x16 / 6x16 / 6x8 / Other																									
7. Delivery/Transaction Point:	NP-15 CAISO																										
8. Pricing:	Index	ISO ExPost																									
	Fixed \$76.25/mwh	Premium / Option																									
	PX +	Other																									
9. Contract Value:	\$634,400	Maximum Capacity (MW):	20 Av:																								
10. Description:	Sstandard HLH August NP 15 purchase executed by Lodi on 5/27/2004																										
11. Notes:																											
12. Counter Party Information:	<table border="0"> <tr> <td colspan="2"><u>Contract Implementation</u></td> <td><u>Billing</u></td> </tr> <tr> <td>Company</td> <td>Sempra Energy Trading Corp</td> <td>Company</td> </tr> <tr> <td>Contact Name</td> <td>Peter Yu</td> <td>Address</td> </tr> <tr> <td>Phone</td> <td>310-720-3007</td> <td></td> </tr> <tr> <td>Fax</td> <td>310-471-2567</td> <td></td> </tr> <tr> <td></td> <td></td> <td>Attention</td> </tr> <tr> <td></td> <td></td> <td>Phone</td> </tr> <tr> <td></td> <td></td> <td>Fax</td> </tr> </table>			<u>Contract Implementation</u>		<u>Billing</u>	Company	Sempra Energy Trading Corp	Company	Contact Name	Peter Yu	Address	Phone	310-720-3007		Fax	310-471-2567				Attention			Phone			Fax
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Phone	310-720-3007																										
Fax	310-471-2567																										
		Attention																									
		Phone																									
		Fax																									
13. Approvals	<table border="0"> <tr> <td></td> <td><u>Member / M&MS</u></td> <td></td> <td><u>Member / M&MS</u></td> </tr> <tr> <td>Prepared By:</td> <td>Mike McDonald</td> <td>Approval:</td> <td>Alan Yallow</td> </tr> <tr> <td>Signature:</td> <td></td> <td>Signature:</td> <td></td> </tr> <tr> <td>Date:</td> <td>6/16/2004</td> <td>Date:</td> <td>7/14/04</td> </tr> </table>				<u>Member / M&MS</u>		<u>Member / M&MS</u>	Prepared By:	Mike McDonald	Approval:	Alan Yallow	Signature:		Signature:		Date:	6/16/2004	Date:	7/14/04								
	<u>Member / M&MS</u>		<u>Member / M&MS</u>																								
Prepared By:	Mike McDonald	Approval:	Alan Yallow																								
Signature:		Signature:																									
Date:	6/16/2004	Date:	7/14/04																								

Distribution: Original with Original Contract - Power Accounts Administrator
Copies - Scheduling and Dispatch, Power Billing Senior Analyst

PHYSICAL

Other _____

available Energy (MWH): 8,320

Sempra Energy Trading Corp

58 Commerce Road

Stamford, CT 06902

Tim Cannon

203-355-5190

203-355-5600

Accounting & Finance

Audit Review: _____

Signature: _____

Date: _____

1. Deal Number: 1007727

2. Deal Type: PURCHASE FIRM ENERGY

3. Contract - Product: WSPP XXX NCPP _____

4. Participating Members: Lodi 100%

5. Term: Aug-04 (Example: Jan 99, Q2 99, Annual 99)

6. Shape: HLH 7x24 / 7x16 / 6x16 / 6x8 / Other _____

7. Delivery/Transaction Point: NP-15 CAISO

8. Pricing: Index _____ ISO ExPost _____
Fixed \$76.25/mwh Premium / Option _____
PX + _____ Other _____

9. Contract Value: \$634,400 Maximum Capacity (MW): 20 Av: _____

10. Description: Sstandard HLH August NP 15 purchase executed by Lodi on 5/27/2004

11. Notes: _____

12. Counter Party Information:

<u>Contract Implementation</u>	<u>Billing</u>
Company <u>Sempra Energy Trading Corp</u>	Company _____
Contact Name <u>Peter Yu</u>	Address _____
Phone <u>310-720-3007</u>	
Fax <u>310-471-2567</u>	
	Attention _____
	Phone _____
	Fax _____

13. Approvals

<u>Member / M&MS</u>	<u>Member / M&MS</u>
Prepared By: <u>Mike McDonald</u>	Approval: <u>Alan Vallow</u>
Signature: _____	Signature: <u>[Signature]</u>
Date: <u>6/16/2004</u>	Date: <u>7/14/04</u>

78

PHYSICAL

Other _____

ailable Energy (MWH): 8,320

Sempra Energy Trading Corp

58 Commerce Road

Stamford, CT 06902

Tim Cannon

203-355-5190

203-355-5600

Accounting & Finance

Audit Review: _____

Signature: _____

Date: _____

RESOLUTION NO. 2001-14

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE NORTHERN CALIFORNIA POWER AGENCY (NCPA)
GENERAL MANAGER TO ENTER INTO MULTI-YEAR
ENERGY PURCHASE AND SALE CONTRACTS
ON BEHALF OF THE CITY OF LODI

=====

WHEREAS, NCPA is currently authorized to enter into contracts on behalf of the City for up to one-year terms; and

WHEREAS, recently energy market prices have soared and continue to be subject to increasing volatility requiring a shift to longer term contracts in order to maintain our energy costs at a manageable level; and

WHEREAS, the City's growth over the past several years has accelerated our need to consider new long-term resources; and

WHEREAS, long-term energy purchase and sale opportunities in the existing power market generally allow for minimal response time, often less than one hour, and the ability to enter into multi-year bilateral energy contracts is vital to the continued financial integrity of Lodi's electric operations; and

WHEREAS, in order to quickly respond to current market conditions, it is proposed that the NCPA General Manager be authorized to execute energy purchase and sale contracts for periods up to ten years in order to better meet the City's resource needs while minimizing financial risks.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the NCPA General Manager to enter into multi-year energy purchase and sale contracts on behalf of the City of Lodi.

Dated: January 30, 2001

=====

I hereby certify that Resolution No. 2001-14 was passed and adopted by the Lodi City Council in a special meeting held January 30, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and
Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

2001-14

RESOLUTION NO. 2001-34

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY
MANAGER AND ELECTRIC UTILITY DIRECTOR TO EXECUTE ELECTRIC
AND NATURAL GAS ENERGY PURCHASE AND SALE AGREEMENTS

WHEREAS, at the January 30, 2001 City Council meeting, the City Council authorized the Northern California Power Agency (NCPA) to enter into long-term electric and natural gas energy purchases and sale contracts on behalf of the City of Lodi; and

WHEREAS, continued volatility in the electric and natural gas markets coupled with recent defaults on the part of California investor owned utilities have created an environment of credit uncertainty between counterparties to many energy transactions; and

WHEREAS, as a result, NCPA has been unable to enter into long-term energy transactions on behalf of the City. Counterparties to potential transactions are now requiring direct City approval of all transactions; and

WHEREAS, in order to meet appropriate bid price deadlines, it is imperative that the City be in a position to authorize purchase and sale transactions within the time frame allowed by the market participants, which is often less than 24 hours; and

WHEREAS, all reasonable attempts will be made by City staff to continue to bring term transactions before the Council where time permits; and

WHEREAS, when time is of the essence and a delay would jeopardize a transaction deemed to be in the City's best interest, staff recommends that the City Council authorize the City Manager or Electric Utility Director to approve energy purchase and sales transactions for a period up to ten (10) years.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the City Manager or Electric Utility Director to execute Electric and Natural Gas Energy Purchase and Sale Agreements for periods up to ten years on behalf of the City of Lodi.

Dated: February 20, 2001

I hereby certify that Resolution No. 2001-34 was passed and adopted by the Lodi City Council in a special meeting held February 20, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – Pennino


SUSAN J. BLACKSTON
City Clerk

2001-34



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the City Manager to execute a Pole License Agreement with Pacific Gas & Electric Company for gas meter communication (EUD)

MEETING DATE: October 17, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to execute a Pole License Agreement between the City of Lodi (Lodi) and Pacific Gas & Electric Company (PG&E) allowing PG&E to install gas meter communication equipment on designated Electric Utility Department streetlight and utility poles.

BACKGROUND INFORMATION: PG&E is seeking to install SmartMeter™ communication equipment on designated Electric Utility Department owned poles (initially seven locations). The devices are data collector units (DCU's) that will be used to remotely read customer gas meters here in Lodi and transmit the data to the PG&E central office for customer billing. The equipment will also allow PG&E to detect outages and leaks remotely and allow customers to view gas usage via the Internet.

PG&E will install 24 DCU's throughout the community, however, only seven of those DCU's will be installed/attached to City-owned poles. The seven locations that were identified by PG&E were reviewed/approved by EUD. For each PG&E gas meter in Lodi, three different DCU's will "read" the meter, to provide an overlap of reading capabilities. The DCUs are powered by a rechargeable battery, using 11 kWh of electricity per month for recharging.

The primary term of the agreement is five years, continuing thereafter year-to-year until terminated by either party with notice. PG&E will pay Lodi a fee of \$298.62 per pole (\$2,090.34 total for seven poles) in advance for pole usage and electricity for the initial 5-year period. The agreement has price escalators for any subsequent period. The fee consists of a Pole Attachment Fee of \$195.00 per pole (established by negotiations) and an Electricity Charge of \$103.62 per pole based on the applicable rate schedule.

FISCAL IMPACT: PG&E will pay Lodi a one-time lump sum amount of \$2,090.34 for the first five-year period under the agreement. This amount pays for the right to place the communication devices on seven poles throughout Lodi and the cost of electricity to recharge the communication devices.

FUNDING: Not applicable.

George F. Morrow, Electric Utility Director

Prepared By: Ken Weisel, Manager, Electric Services and Rob Lechner, Manager, Customer Service & Programs
GFM/KAW/RSL/1st
Attachment

APPROVED: _____
Blair King, City Manager

AGREEMENT NO. _____

POLE LICENSE AGREEMENT

THIS POLE LICENSE AGREEMENT ("Agreement") is made and entered into on _____, 2007, by and between the **CITY OF LODI**, a municipal corporation, ("CITY" herein) and **PACIFIC GAS AND ELECTRIC COMPANY**, a California corporation ("PG&E" herein) each being referred to individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, CITY owns, operates and maintains certain street light and utility poles ("Poles" herein); and

WHEREAS, PG&E desires to enter into an Agreement for the attachment of communication equipment used for the operation and maintenance of PG&E's *SmartMeter* network, to CITY's existing Poles; and

WHEREAS, PG&E's *SmartMeter* equipment consists of telecommunications equipment including, but not limited to, a Data Collector Unit, two whip antennas, coaxial cable and photovoltaic adaptor ("*SmartMeter* Equipment"); and

WHEREAS, it is understood and agreed that this Agreement will permit the placement of the *SmartMeter* communication equipment on certain of CITY's Poles; and

WHEREAS, CITY is willing to grant PG&E a non-exclusive, revocable license for the attachment of the *SmartMeter* Equipment to CITY-owned Poles, subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, incorporating the foregoing recitals herein, the Parties agree as follows:

1. EFFECTIVE TERM OF AGREEMENT. This Agreement shall be and remain in effect for an initial period of five (5) years from the effective date, which is the date of execution, and shall automatically extend thereafter for successive terms of one (1) year each, unless otherwise terminated by either party in accordance with Section 25, below.

2. POLE LICENSE. CITY does hereby confer on PG&E a non-exclusive, revocable license to attach, replace, operate, maintain, and use *SmartMeter* Equipment to certain support arms and Pole(s) owned by CITY, subject to CITY approval of the specific location(s) to be used. Permission to attach to CITY-owned Poles shall be memorialized in the form of the Pole Permit, attached to this Agreement as **Exhibit "A,"** and incorporated herein by reference. The initial locations for which a Pole Permit is requested are included in Exhibit "A", and are those specific locations that the Parties

hereby agree are covered by this Agreement as of the date the Pole Permit is executed. The location specified in the request for a Permit shall include the specific Pole(s) and the specific location(s) on each Pole for which PG&E seeks permission to attach. For utility poles, the location will be in or below the Communications Zone of the Pole. The equipment will be so located that photocells will not be shaded.

3. LICENSE FEES. In consideration for the rights granted herein, PG&E shall pay to CITY at one time for the initial five (5) year period, prior to installation, as follows for each Pole:

Pole Attachment Fee	\$195.00 per Pole
<u>Electricity Charge</u>	<u>\$103.62 per Pole</u>
Total License Fees	\$298.62 per Pole for the initial 5-year period, not an annual figure, paid in advance.

For each subsequent one (1) year term, the Pole Attachment Fee per Pole shall be 20% of the above Pole Attachment Fee per Pole, adjusted by a 4% per year escalator from the date of execution to the starting date of said term, and shall be paid in advance of the year for which such payment is made.

In addition, for each subsequent one (1) year term, the Electricity Charge per Pole shall be 20% of the above Electricity Charge per Pole adjusted by the ratio of CITY's annual average retail energy charge for the applicable service class on the starting date of said term to 15.7 cents per kWh, and shall be paid in advance of the year for which payment is made. Furthermore, for both the initial five-year term and for any subsequent term, the Electricity Charge per Pole shall be adjusted in proportion to the ratio of actual equipment energy usage per Pole to 11 kWh/month. Actual equipment energy usage per Pole shall be as specified by the manufacturer in documentation provided by PG&E to CITY or as otherwise determined by CITY.

4. REPLACEMENTS AND MODIFICATIONS. In the event that any installation requested by PG&E cannot be accommodated without Pole replacement or other equipment modification by the City of Lodi, PG&E shall be responsible to pay in advance the City of Lodi's reasonable cost to replace or modify such equipment, in addition to the License Fees provided for herein.

5. ADDITIONAL LOCATIONS. Prior to installing any *SmartMeter* Equipment on any additional CITY-owned Poles, other than the locations identified in Exhibit "A", PG&E will submit to CITY a revised Exhibit "A" seeking permission to install such additional *SmartMeter* Equipment on specified CITY-owned Poles. PG&E will pay additional License Fees (Pole Attachment Fee plus Electricity Charge) for each new approved Pole as set forth in Section 3 of this Agreement.

CITY will use reasonable efforts to respond, in writing, to each request submitted by PG&E within twenty (20) business days; provided that CITY is not required to approve, in whole or part, any such request, and CITY may delay or deny any such request at its sole option, without recourse by PG&E. PG&E shall pay CITY its reasonable cost to

determine the acceptability of meeting such request. CITY will not deny such a request unreasonably.

5.1 Each location approved by the CITY shall be memorialized in a Pole Permit in the form of Exhibit "A" to this Agreement, and shall be incorporated by reference herein at the time it is executed and delivered.

5.2 PG&E may, from time to time, request to replace, modify, update and/or reposition existing *SmartMeter* Equipment. PG&E shall pay CITY its reasonable cost to determine its physical acceptability with regard to factors including but not limited to Pole capability, interference with photocells, and interference with communications.

6. SAFETY PRECAUTIONS. PG&E shall perform all work on CITY-owned Poles in a workmanlike manner and in compliance with applicable federal, state, and local laws, rules and regulations, including, but not limited, to CITY's applicable standards.

7. RADIO FREQUENCY EMISSION REQUIREMENTS. PG&E will operate the *SmartMeter* Equipment in a manner that complies with the FCC's (or any more restrictive applicable standard subsequently adopted or promulgated by a governmental agency with jurisdiction) Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters in an inhabited area.

8. INTERFERENCE. If equipment installed by the CITY or PG&E, after the installation of equipment of the other party or a third party, causes electronic or physical interference with such previously installed equipment, the City and PG&E will take such steps as may be reasonable to eliminate such interference as soon as practicable.

9. REPAIR/MAINTENANCE OF CITY-OWNED POLES. For those Poles owned, operated, and maintained by CITY, CITY agrees that it will maintain such Poles in good working order during the effective term of the Agreement. If PG&E notifies CITY that *SmartMeter* Equipment is non-operational due to required maintenance on Poles, CITY will use its best commercially reasonable efforts to ensure that any necessary repairs are performed within ten (10) business days of PG&E's initial notification at no cost to PG&E other than the cost of removal and reinstallation of PG&E's equipment, if necessary or convenient for Pole repair or replacement, in the sole determination of CITY. If PG&E requests repair of Pole(s) within 72 hours of PG&E's initial notification, CITY will use its best commercially reasonable efforts to ensure that any necessary repairs are performed within the 72 hours at PG&E's sole cost. If CITY initiates repair or replacement of any Pole or Poles for its own purposes, CITY shall do so at CITY's cost, provided that PG&E shall be responsible at its own cost for removal and reinstallation of PG&E's equipment, if necessary or convenient for Pole repair or replacement, in the sole determination of CITY.

10. REMOVAL OF SMARTMETER EQUIPMENT. CITY will use its best commercially reasonable efforts to provide PG&E five (5) business days prior written notice of any non-emergency work that will, or may, affect the *SmartMeter* Equipment. Written notice may include e-mail or fax.

10.1 In the event that CITY is required by law or unavoidable circumstance to remove any *SmartMeter* Equipment attached to CITY-owned Poles on an emergency basis, CITY will use its best commercially reasonable efforts to notify PG&E of such circumstance as soon as practicable and will take all due care in removing and storing the *SmartMeter* Equipment.

10.2 PG&E will provide CITY written notice within ten (10) business days of removing or reinstalling any *SmartMeter* Equipment from any CITY-owned Poles specifying the *SmartMeter* Equipment removed or reinstalled and its location on CITY-owned Poles.

10.3 PG&E will, at its expense, remove all remaining *SmartMeter* Equipment from CITY-owned Poles within ninety (90) business days of the termination or expiration of this Agreement.

10.4 In the event that PG&E fails to remove any *SmartMeter* Equipment from the CITY-owned Poles within ninety (90) business days of the termination or expiration of this Agreement, CITY may, at PG&E's expense, remove such *SmartMeter* Equipment and CITY may either store such *SmartMeter* Equipment at PG&E's expense or CITY may consider PG&E's equipment abandoned and retain it for any use or, at PG&E's expense, dispose of it.

11. CITY USAGE. Subject to receiving such regulatory approvals as are required, in the event that City shall install *SmartMeters* or compatible equipment for its own system or systems and desires to use for its own purposes PG&E's communications equipment installed within or adjacent to the CITY boundaries, then PG&E shall cooperate with the CITY to determine the feasibility of providing such communication service to CITY.

12. INDEMNITY. PG&E shall indemnify, defend, and hold harmless CITY, its Elected and Appointed Boards, Commissions, officers, agents, employees, and volunteers against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, arising out of, connected with, or caused by PG&E, PG&E's employees, agents, independent contractors, companies, or subcontractors in the performance of, or in any way arising from, the terms and provisions of this Agreement whether or not caused in part by a party indemnified hereunder, except for any such claims, damage or liabilities caused by CITY's active gross negligence or willful misconduct.

13. ASSIGNMENT. Neither this Agreement, nor any interest in it, may be assigned or transferred by any party without the prior written consent of the parties, which shall not be unreasonably withheld.

14. BINDING EFFECT. The rights and obligations of this Agreement shall inure to the benefit of, and be binding upon, the parties to the Agreement and their administrators, representatives, successors and assigns.

15. **COMPLIANCE WITH ALL LAWS.** PG&E shall, at PG&E's sole cost, comply with all of the requirements of Municipal, State, and Federal authorities now in force, or which may hereafter be in force, pertaining to this Agreement, and shall faithfully observe in all activities relating to or growing out of this Agreement all Municipal ordinances and State and Federal statutes, rules or regulations, and permitting requirements now in force or which may hereafter be in force. Provided however, that PG&E shall not be required to apply for a CITY encroachment permit for the *SmartMeter* Equipment authorized under this Agreement.

16. **CORPORATE AUTHORITY.** Each individual signing this Agreement on behalf of entities represent and warrant that they are, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this Agreement.

17. **EXHIBIT.** In the event of a conflict between the terms, conditions or specifications set forth in this Agreement and the exhibit attached hereto, the terms, conditions, or specifications set forth in this Agreement shall prevail. The exhibit to which reference is made in this Agreement is deemed incorporated in this Agreement, whether or not actually attached.

18. **GOVERNING LAW.** The laws of the State of California will govern the validity of this Agreement, its interpretation and performance.

19. **FURTHER ASSURANCES.** Each party shall execute and deliver such papers, documents, and instruments, and perform such acts as are necessary or appropriate, to implement the terms of this Agreement and the intent of the parties to this Agreement.

20. **INSURANCE.** PG&E shall maintain coverage at least as broad as the following insurance or self-insurance throughout the term of this Agreement.

20.1 Workers' Compensation and Employers' Liability: (1) Workers' Compensation insurance complying with any applicable labor codes, acts, laws or statutes, state or federal, where Contractor performs work. (2) Employers' Liability insurance shall not be less than \$1,000,000 for injury or death per occurrence (BI/disease).

20.2 Comprehensive or Commercial General Liability coverage, Insurance Services Office (no less than Occurrence form CG 0001): (1) Coverage shall be for limits not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate for bodily injury, personal injury and property damage, including Contractual Liability and Fire Legal Liability (\$100,000). If Commercial General Liability Insurance or other form with a general aggregate limit is used, the general aggregate limit shall apply separately to this project/location.

20.3 Commercial (Business) Automobile Liability: Coverage shall be at least as broad as the Insurance Services Office (ISO) Business Auto Coverage form covering Automobile liability, code 1 "any auto." The limit shall not be less than \$3,000,000 each accident for bodily injury and property damage.

PG&E maintains a self-insurance program to cover exposures to General Liability and Automobile Liability. PG&E agrees to provide indemnification and defense to the City of Lodi, its elected officials, appointed boards and commissioners, officers, employees, volunteers, and agents as a result of any loss covered by this Agreement. PG&E also agrees that its self-insurance program will cover all losses and will not call upon any insured or self insured programs maintained by the City of Lodi until the limits of liability as required by Agreement are exhausted. The PG&E program will be primary coverage for any and all losses that arise resulting from this Agreement. Certification of Insurance Program letter shall be sent to:

City of Lodi
ATTN: Risk Management
221 W. Pine St.
Lodi, CA 95240

20.4 Certification of Insurance: By request, PG&E shall submit a letter of self-insurance signed by a duly authorized representative, evidencing that the self-insurance program is in full force and effect and in compliance with and subject to all the terms, agreements, covenants, conditions and provisions of this Agreement

21. MERGER AND MODIFICATION. All prior agreements related to this matter between the parties are incorporated in this Agreement which constitutes the entire agreement. Its terms are intended by the parties as a final expression of their agreement with respect to such terms as are included herein and may not be contradicted by evidence of any prior agreement or contemporaneous oral agreement. The parties further intend this Agreement constitutes the complete and exclusive statement of its terms and no extrinsic evidence whatsoever may be introduced in any judicial or arbitration proceeding involving this Agreement. This Agreement may be modified only in a writing signed by all the parties.

22. NEGATION OF PARTNERSHIP. Neither party shall become or be deemed a partner or joint venturer with the other party or associate in any such relationship with the other party by reason of the provisions of this Agreement. Neither party shall for any purpose be considered an agent, officer or employee of the other party.

23. NO WAIVER OF DEFAULT. The failure of any party to enforce against another party any provision of this Agreement shall not constitute a waiver of that party's right to enforce such a provision at a later time, and shall not serve to vary the terms of this Agreement. The acceptance of work or services, or payment for work or services, by CITY shall not constitute a waiver of any provisions of this Agreement.

24. NOTICES. All notices relative to this Agreement shall be given in writing and shall be personally served or sent by certified or registered mail and be effective upon actual personal service or depositing in the United States mail. The parties shall be addressed as follows, or at any other address designated by notice:

CITY: CITY OF LODI
Attn: Electric Utility Director
1331 S. Ham Lane
Lodi, CA 95242

PG&E: PACIFIC GAS & ELECTRIC COMPANY
Attn: Land Department – Land Manager
245 Market Street, Mail Code N10A
San Francisco, CA 94105

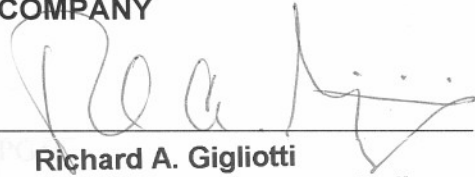
25. TERMINATION. The parties hereto agree that either party may terminate this Agreement, as it relates to any individual location of the *SmartMeter* Equipment, upon one hundred eighty (180) days advance written notice to the other party. In the event that CITY terminates this Agreement as it relates to any individual location of the *SmartMeter* Equipment, CITY agrees to allow PG&E to find an alternate location for such *SmartMeter* equipment subject to approval per Section 5 of this Agreement. Either party may terminate this Agreement in its entirety, at any time during the term hereof by giving written notice to the other party, not less than twelve (12) months prior to the date when such termination shall become effective. Any termination of this Agreement shall not relieve PG&E of any obligations, whether of indemnity or otherwise, which has accrued prior to such termination or completion of removal of PG&E's equipment, whichever is later, or which arises out of an occurrence happening prior thereto.

25.1 Except as specifically set forth herein, CITY and PG&E agree that neither Party shall terminate this Agreement in the event of an alleged non-monetary breach nor default hereunder before the defaulting Party has been given notice of and a reasonable time and opportunity to respond to and cure any such non-monetary breach or default. For purposes of the foregoing, a reasonable time to cure any non-monetary breach or default shall be deemed to be thirty (30) days after notice, unless the nature of the default in question is such that while it is reasonably susceptible of being cured, it is not reasonably susceptible of being cured within such thirty (30) day period, in which case the curing thereof shall have commenced within such thirty (30) day period and shall hereafter be prosecuted to completion with reasonable diligence.

25.2 There shall be no refund for equipment removals of License Fees previously paid by PG&E.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, the day and year first-above written.

**PG & E
PACIFIC GAS AND ELECTRIC
COMPANY**



**Richard A. Gigliotti
Manager, Land Energy Delivery
Technical & Land Services**

**CITY
CITY OF LODI**

Blair King, City Manager

APPROVED AS TO FORM:

D. Stephen Schwabauer, City Attorney

ATTEST:

Randi Johl, City Clerk

Attachment: Exhibit "A" – Pole Permit

SmartMeter[™] is a trademark of SmartSynch, Inc. and is used by permission. "PG & E" refers to Pacific Gas and Electric Company, a subsidiary of PG & E Corporation. ©2007 Pacific Gas and Electric Company. All rights reserved.

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE A
POLE LICENSE AGREEMENT BETWEEN PACIFIC
GAS & ELECTRIC COMPANY AND THE CITY OF
LODI FOR GAS METER COMMUNICATION

=====

WHEREAS, Pacific Gas & Electric Company (PG&E) desires to install gas meter data communications equipment on streetlight and utility poles owned by the Lodi Electric Utility; and

WHEREAS, PG&E and Lodi Electric Utility have reached agreement on terms and conditions for such installation.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the Pole License Agreement; and

BE IT FURTHER RESOLVED, that the Lodi City Council authorizes the City Manager to execute the Agreement on behalf of the City of Lodi, and authorizes the Electric Utility Director or his designee to administer the Agreement.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007 - _____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Amending Traffic Resolution No. 97-148 by Establishing Terminal Access Routes on Certain Streets and Authorizing Public Works Director to Establish Terminal Access Routes on Industrial Streets

MEETING DATE: October 17, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution amending Traffic Resolution No. 97-148 as follows:

1. Establish terminal access routes on Cluff Avenue between Turner Road and Victor Road, Black Diamond Way, and Beckman Road between Black Diamond Way and Turner Road
2. Authorize the Public Works Director to establish terminal access routes on industrial streets defined as streets adjacent to industrial-zoned areas and streets east of Highway 99.

BACKGROUND INFORMATION: City staff continues to receive requests for terminal access routes for businesses, particularly in the industrial area east of Highway 99. Our current practice is using truck template software to evaluate and determine if the requested routes can accommodate Surface

Transportation Assistance Act (STAA) trucks.

Recently, Tigerlines, Inc., located on Black Diamond Way between Beckman Road and Cluff Avenue, requested STAA truck routes to and from their facility. Staff evaluated the requested routes and determined the following streets can accommodate STAA trucks: Cluff Avenue between Turner Road and Victor Road, Black Diamond Way, and Beckman Road between Black Diamond Way and Turner Road. To accommodate the STAA trucks, some minor no-parking zones are required at some intersections.

Since staff is primarily receiving STAA truck route requests on industrial streets, staff is suggesting the Resolution also be modified to allow these terminal access routes to be designated administratively, in order to improve our response to businesses.

FISCAL IMPACT: Signs are optional per the Vehicle Code, and staff anticipates mainly relying on a published map. Implementation costs are minimal and can be absorbed within the operating budget. The no-parking zones will be funded by Tigerlines, Inc.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Paula J. Fernandez, Senior Traffic Engineer
RCP/PJF/pmf
cc: City Engineer/Deputy Public Works Director
Tigerlines, Inc.

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
TRAFFIC RESOLUTION NO. 97-148 ESTABLISHING TERMINAL
ACCESS ROUTES ON CERTAIN STREETS AND AUTHORIZING
THE PUBLIC WORKS DIRECTOR TO ESTABLISH TERMINAL
ACCESS ROUTES ON INDUSTRIAL STREETS

=====

WHEREAS, City staff continues to receive requests for terminal access routes for businesses in the industrial area east of Highway 99; and

WHEREAS, City's current practice is to use truck template software to evaluate and determine if the requested routes can accommodate Surface Transportation Assistance Act (STAA) trucks; and

WHEREAS, City staff evaluated requested STAA routes and determined the following streets can accommodate STAA trucks: Beckman Road between Black Diamond Way and Turner Road, Black Diamond Way, and Cluff Avenue between Victor Road and Turner Road; and

WHEREAS, to accommodate the STAA trucks, no-parking zones are required at some intersections; and

WHEREAS, to improve our response to businesses, staff is requesting City Council authorize the Public Works Director to establish terminal access routes on industrial streets defined as streets adjacent to industrial-zoned areas and streets east of Highway 99.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby amends Traffic Resolution No. 97-148 Section 8B by establishing terminal access routes on:

- Cluff Avenue between Turner Road and Victor Road
- Black Diamond Way
- Beckman Road between Black Diamond Way and Turner Road

BE IT FURTHER RESOLVED that the City Council hereby amends Traffic Resolution No. 97-148 by adding Section 8D which authorizes the Public Works Director to establish terminal access routes on industrial streets defined as streets adjacent to industrial-zoned areas and streets east of Highway 99.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution authorizing the City Manager to enter into negotiations with Union Pacific Railroad (UP) for the acquisition of properties located at 232 N. Washington, 242 Rush Street and 420 E. Lockeford Street as part of an affordable housing project.

MEETING DATE: October 17, 2007

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Adopt Resolution authorizing the City Manager to enter into negotiations with Union Pacific Railroad (UP) for the acquisition of properties located at 232 N. Washington (APN:043-087-17), 242 Rush Street (APN:043-090-13) and 420 E. Lockeford Street (APN:043-202-29) as part of an affordable housing project.

BACKGROUND INFORMATION: The City of Lodi had been notified by Union Pacific Railroad (UP) that they were interested in selling of a group of parcels along East Lockeford Street, referred to as the Kentucky House Railroad line.

As the City has first right of refusal before that land can be put on the open market, it was decided to reserve that right as the acquisition of some of those parcels would allow for future expansion of the right-of-way along East Lockeford Street and the potential for an affordable housing project.

As the City Council has just gone through the process of selecting a developer to work with on an affordable housing project for this site, the time has come to open negotiations with UP to acquire the properties. We ask that the City Council authorize the City Manager to initiate that negotiation process.

FISCAL IMPACT: The value of the land, based upon an appraisal in 2003 is \$1.5 million.

FUNDING AVAILABLE: Community Development Block Grant/HOME Program

Randy Hatch
Community Development Director

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH UNION PACIFIC RAILROAD FOR THE ACQUISITION OF PROPERTIES LOCATED AT 232 N. WASHINGTON STREET, 242 RUSH STREET AND 420 E. LOCKEFORD STREET AS PART OF AN AFFORDABLE HOUSING PROJECT.

=====

WHEREAS, Union Pacific Railroad has notified the City of Lodi that they intend to abandon their operations and sell the parcels of land on what they refer to as the Kentucky House Rail Line which runs along East Lockeford Street, namely 232 N. Washington Street (APN: 043-087-17), 242 N. Rush Street (APN: 043-090-13) and 420 E. Lockeford Street (APN: 043-202-29); and

WHEREAS, the City of Lodi has first right to acquire those parcels of land from Union Pacific; and,

WHEREAS, the City of Lodi has an interest in developing an affordable housing project on this land; and,

WHEREAS, on October 3, 2007, the City Council selected a developer for this affordable housing project and now must begin the process of negotiating the purchase of the properties from Union Pacific Railroad.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to enter into negotiations with Union Pacific Railroad for the acquisition of properties located at 232 N. Washington Street (APN: 043-087-17), 242 N. Rush Street (APN: 043-090-13) and 420 E. Lockeford Street (APN: 043-202-29), for an affordable housing project.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set a Public Hearing for November 7, 2007, to consider and approve the reallocation of available Community Development Block Grant (CDBG) and HOME Program Income for an affordable housing project.

MEETING DATE: October 17, 2007

PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the City Council set a public hearing for November 7th, 2007, to consider and approve the reallocation of available Community Development Block Grant (CDBG) and HOME Program Income for an affordable housing project.

BACKGROUND INFORMATION: The City is pursuing an affordable housing project on land currently owned by Union Pacific Railroad (UP). In the course of developing a Request For Proposal (RFP) for that project, the City has pledged \$1.2 million toward the acquisition of the land for this project.

In 2006, the City Council authorized a CDBG allocation in the amount of \$330,000 from that year's funding. In addition to that, the Housing Assistance Loan Programs that we have been funding each year with CDBG and HOME funding, have provided approximately \$1,477,000 in program income through the repayment of down-payment assistance and housing rehabilitation loans. That program income is automatically reprogrammed back into the Housing Assistance Program, to continue to assist first-time homebuyers and/or low income residents.

If an affordable housing project was feasible for the intended railroad property site, our intent has been to reallocate \$870,000 of that program income, to combine with the 2006 allocation of \$330,000, to meet the \$1.2 million pledged to the affordable housing project.

As the City Council has just completed the process of selecting a developer to work with on this project, and as proposed in a previous action to initiate negotiations with UP, it is also recommended that the funds be set aside.

FISCAL IMPACT: This reallocation will reduce the funding available within the existing Housing Assistance Programs but not deplete it. There is sufficient balance left within that program to fund several loan applications that are currently being processed, as still have funding available for one or two more applications this year.

APPROVED: _____
Blair King, City Manager

FUNDING AVAILABLE: Federal Community Development Block Grant and HOME Program Funds

Kirk Evans, Budget Manager

Randy Hatch
Community Development Director

Attachments

RH/jw



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for November 7, 2007, to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

MEETING DATE: October 17, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set a public hearing for November 7, 2007, to consider the Report for Sidewalk Repairs, hear protests from the public, and to confirm the report as submitted by the Public Works Department. Following the public hearing, the Council will be asked to confirm the cost of repairs report, determine the method of payment, assess the cost of repairs to the affected property (121 Olive Court), and order the preparation of a Notice of Lien to be filed with the tax collector. The property owner was billed on July 27, 2007, for the \$5,566.12 cost of repair. As of October 1, 2007, the property owner has not responded.

BACKGROUND INFORMATION: As part of the City's sidewalk maintenance program, on March 7, 2007, the City notified eleven property owners their sidewalks needed to be repaired. These notices were sent to property owners with the worst offsets according to our sidewalk survey. Some owners took care of the need immediately, some asked for assistance, and one owner did not perform.

The Curb, Gutter & Sidewalk Maintenance Policy, approved by Council, provides several alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of twelve months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City's SHARE Program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to execute payment agreements and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

Property owners were given up to three notices over a two-month period. If they did not make the repairs, the City's contractor would repair the sidewalk. Streets and Highway Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests which may be raised by property owners.

The following is a list of the eleven properties that received sidewalk repair notifications:

APPROVED: _____
Blair King, City Manager

Street Address	Cost Estimate	Work Accomplished
1636 South School Street	\$6,115	Property owner hired contractor. Work completed 6/12/07.
354 East Oak Street	\$966	Property owner hired contractor. Work completed 5/11/07.
421 South Pleasant Avenue	\$14,318	Property owner hired City. Work completed 7/7/07.
731 North Ham Lane	\$8,727	Property owner hired contractor. Work completed 5/11/07.
110 North Mills Avenue	\$4,330	Property owner hired contractor. Work completed 5/11/07.
523 Tamarack Drive	\$1,835	Property owner hired contractor. Work completed 7/23/07.
725 North Lincoln Avenue	\$1,835	Property owner hired contractor. Work completed 5/11/07.
1615 Edgewood Drive	\$1,942	Property owner hired contractor. Work completed 5/11/07.
1701 Holly Drive	\$3,197	Property owner hired contractor. Work completed 3/26/07.
75 North Crescent Avenue	\$3,772	Property owner hired City. Work completed 7/16/07.
121 Olive Court	\$5,566	Failed to perform. City completed repair; billed property owner.

Based on previous cases (see attached minutes of Council action), the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the Tax Collector. It is staff's recommendation that this be continued.

FISCAL IMPACT: \$5,566.12, which includes the City's administrative time, could be lost to the Street Fund depending on Council's action.

FUNDING AVAILABLE: None was required.

Richard C. Prima, Jr.
Public Works Director

RCP/GMB/dsg

Attachments

cc: Fernando Almeida, 121 Olive Court, Lodi, CA, 95240

Continued March 7, 1990

Since that date staff has had a number of conversations with Mr. Price concerning this topic.

Police Sergeant Frank Grenko, who is in charge of the Police Department's Gang Unit presented a video tape which graphically illustrated the extend of the problem. Sergeant Grenko responded to questions regarding the matter.

Various alternatives to assist in resolving the problem were discussed.

Mr. Arthur Price was in the audience and addressed the City Council regarding the problem and possible solutions.

Following discussion, the Mayor directed staff to proceed with alternative methods to resolve the problem.

METHODS OF COLLECTION OF SIDEWALK REPAIR COSTS

RESOLUTION NO. 90-35

CC-45(e)

The City Council was reminded that at its meeting of CC-300 February 21, it asked what methods were available for the collection of costs of the maintenance of the sidewalks. The Streets and Highways Code delineates several alternatives if the bill for the replacement or repair of the sidewalk is not paid within five days of the billing. Those alternatives are listed below.

1. File a Notice of Lien on the property (Streets and Highways Code §5627)

This lien is filed with the County Recorder and remains on the property until it is paid or until the City files an action to foreclose the lien in the manner and under the same procedures as that which delinquent bonds are foreclosed. With this alternative, it could be years before the City collects.

2. Order the Notice of Lien to be turned over to the Tax Collector (Streets and Highways Code §5628)

The Tax Collector would collect the cost with the next year's property tax and, if it is not paid with next year's taxes, it would become delinquent and be handled the same as other delinquent property taxes. This is the method used for the street light

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King announced that the League of California Cities was sponsoring a rally in Stockton tomorrow in support of the implementation of Proposition 42, which was approved by the voters to ensure that gas tax would go to streets and highways projects. Since the proposition's adoption, it has been suspended by the legislature and the money diverted to the State's general fund.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been posted and mailed according to law, an affidavit of which is on file in the office of the City Clerk, Mayor Beckman called for the continued public hearing to consider objections or protests to the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive, confirm Report as submitted by the Superintendent of Streets, and authorize the City Manager to file a Notice of Lien with the Assessor and Tax Collector if the amount is not paid.

Public Works Director Prima reviewed the background related to this matter and options available under the Streets and Highways Code. Staff spoke with the property owner after the last Council meeting and he agreed to pay \$50 per month on the \$645.26 sidewalk repair bill. Mr. Prima recommended that Council authorize the City Manager to file a notice of lien with the tax collector in the event the property owner did follow through with the payment arrangement.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

Discussion ensued regarding the timing of filing the lien and matters related to bankruptcy, which the property owner had previously indicated he had entered.

MOTION / VOTE:

The City Council, on motion of Mayor Beckman, Mounce second, unanimously 1) confirmed the Cost of Repairs Report for sidewalk repairs at 633 Holly Drive as submitted by the Superintendent of Streets, 2) encouraged the property owner to make payments as agreed to, and 3) authorized the City Manager to file a Notice of Lien with the County Recorder's Office to be paid at the time of sale of the property, if not paid in full prior to that time.

- I-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Beckman called for the public hearing to consider adopting a resolution to abandon five-foot public utility easement at 2024 Kettleman Lane.

Public Works Director Prima recalled that in 1982 a five-foot public utility easement was dedicated over the west five feet of Lot 59 of "Lakeshore Village, Unit No. 1" in conjunction with the development of the subdivision. The easement was needed for the installation of underground electrical utility lines. The current property owner has requested relocation of the electrical utility facilities and abandonment of the five-foot public utility easement to allow construction of the proposed 19-lot "Mills Crossing" Phase II subdivision on the site.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to consider adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, and Plumbing Code with local amendments and revise building permit fee schedule 1A, along with fees for Building, Mechanical, Plumbing, and Electrical permits.

MEETING DATE: October 17, 2007

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Open a Public Hearing to consider adoption of the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Electrical Code, and 2007 California Plumbing Code with local amendments, revise building permit fee schedule 1A, along with fee increases for Building, Mechanical, Plumbing, and Electrical permits, and continue the public hearing to November 7, 2007 to allow for additional review and comment.

BACKGROUND INFORMATION: Pursuant to Health and Safety Code Section 18938, the California Building Standards Commission has selected January 1, 2008 as the effective date for the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Electrical Code, and 2007 California plumbing Code.

Every three years, Building/Construction Codes are amended by the State to include provisions of the most recent version. The State of California Building Standards Commission adopts new State standards which cities and counties are therefore mandated to adopt. If codes with amendments are not adopted locally by January 1, 2008, then cities are required to follow State codes only. The need for the new ordinances is to adopt specific Appendixes not adopted by the state such as Administration chapters for each code which was all inclusive in the existing codes.

The major change in this code cycle is the adoption of the California Building Code which is based on the 2006 International Building Code. In 1994, BOCA, (Building Officials and Code Administrators), ICBO (International Conference of Building Officials)and SBCCI (Southern Building Code Congress International) created the ICC (International Code Council) to develop a single set of comprehensive, coordinated model construction codes that could be used throughout the United States and around the world. The first International Code published was the 1995 International Plumbing Code. By 2000 a complete family of 11 construction codes was available. Around 2001 more then 97% of U.S. cities, counties and states that adopted model codes choose building and fire codes created by the three building safety groups that make up the ICC. The change from the Uniform Building Code to the International / California Building Code will have significant changes. These changes will have some benefits and restrictions compared to the existing Uniform Codes. Some of the changes in the new code are as follows: 1) additional allowable area for building size 2) occupant load factors "the number of people capable of occupying the building which determine the number of required exits" can be adjusted by the building official, 3) different processes for determining building location on property 4) Fire rated construction and protected and unprotected openings.

APPROVED: _____
Blair King, City Manager

In fiscal year 2005-2006 the Community Development Department became a special revenue fund, to achieve one hundred percent self sustaining funds there is a fee increase proposed. We are proposing an alternate fees structure due to the new building code, which has eliminated fee Table 1A which was the source of fees in the current code. (Exhibit A) we estimate these fees will adequately cover our costs for building inspection services. The new fee schedule would be an all inclusive fee which would cover all Mechanical, Plumbing and Electrical permit fees for all new construction. The new fee structure will also make it easier for the applicant to get complete building permit fee information in advance. By making the building permit fee an all inclusive fee the applicant can receive their Building permit fees in advance or at time of submittal. Previously the applicant would not receive the final fee summery until the final plan review was performed. At final plan review the plan reviewer would count all electrical fixtures, mechanical equipment and plumbing fixtures to determine the complete building permit fee. By doing the all inclusive fee, the complete building permit fee is based on building valuation determined at the time of application. This type of fee schedule is now an industry standard.

City Staff conducted a comprehensive analysis of staff time and city costs relative to the provision of city building service which are to be fully funded by the building fees. The proposed fee schedule eliminates separate fees for mechanical, plumbing and electrical permits and incorporates all in to the building permit fee. While the proposed building permit fee schedule shows an increase, the greatest increase is in the plan check fee. The plan check fee is proposed to increase from the current 65% of the building fee to 100% of the building fee. The plan check process is a significant and time consuming step and the proposed fee reflects the time involved. Staff has prepared a permit fee comparison for our most common commercial and a typical residential use to compare existing and proposed fees (exhibit D) The building permit fee increase is comprised of three factors 1) updated building Valuation Data Table, 2) actual hourly cost for inspection service 3) actual hourly cost for plan review services as shown in (exhibit C). While fees are to be based on local cost components only and projections are speculative do to the variety and quantity of future projects, we have reviewed other area jurisdictions for fee comparison (exhibit B). This comparison shows that our proposed fees for both the commercial and residential uses are slightly more than Modesto and Rocklin. They are significantly less than Stockton, and Sacramento County fees. Sacramento's fees are roughly the same as our proposed fees.

We have tried to notify all affected parties by publication in the Lodi News Sentinel as well as notices provided at the front counter. Handout packets describing the major changes will be available at the front counter. We also discussed the code changes with all Contactors, Developers and Architects we meet with or have contact with for the past three months.

Therefore, it is recommended that the Council open a public hearing to consider adoption of the 2007 California Building, Mechanical, Electrical, and Plumbing Codes, and the new building permit fee schedule 1A as presented and continue the public hearing to November 7, 2007. Continuing to November 7, 2007 allows additional time for interested parties to review and comment on the proposed codes and new fee schedule. The Ordinances and fee table have been presented in highlight/strike-out format to more easily identify the changes to aid in review.

FISCAL IMPACT: The fee increase is needed to help balance the resources and expenditures of the Community Development special revenue fund. As a result of the fee increases it is also anticipated that there will be no need to impact the General Fund.

FUNDING AVAILABLE: N/A

Kirk Evans, Budget Manager

Randy Hatch, Community Development Director

DC/VP/kjc

Attachments:

1. Building Permit Fees
2. Permit Fee Comparison



BUILDING FEES COLLECTED AT PERMIT ISSUANCE

CITY OF LODI, COMMUNITY DEVELOPMENT DEPARTMENT, 221 W. PINE ST., LODI, CA 95240

PHONE: (209) 333-6714 FAX: (209) 333-6842

Building Permit Fee	Table 1A (page 3)
Building Plan Check Fee	100% 65% of building permit fee Table 1A <i>The increase will cover cost of actual plan review time. It has been determined the plan review time is equal to or greater then inspection time.</i>
Plumbing	Table 1-1 (page 5)
Electrical	Table 3-A (page 7)
Mechanical	Table 1-A (page 9)
Disabled Access	5% of building permit fee
Energy	5% residential and 10% non-residential
Plan Maintenance	5% of building permit fee (non-residential only.)
Strong Motion Inst. Fee	Valuation x 0.0001
Fire Inspection	25% of building permit fee
Fire Plan Check	25% of building plan check
Zoning Plan Check Fee	\$350 Commercial/Industrial \$100 Residential \$50 Additions/Accessories
S.J. Co. Facilities Fee	\$1,400 per SFD \$1,200 per Multi-Family Dwelling \$0.32 per Sq. Ft. Retail Commercial \$0.28 per Sq. Ft. Office Commercial \$0.16 per Sq. Ft. Industrial
Regional Transportation Impact Fee	\$2,500 per SFD \$1,500 per Multi-Family Dwelling \$1.00 per Sq. Ft. Retail Commercial \$1.25 per Sq. Ft. Office Commercial \$0.75 per Sq. Ft. Industrial
2007 Updated Habitat Fees	Multi-Purpose Open Space Pay Zone A: \$6,511.00 Natural Pay Zone B: \$13,022.00 Agriculture Pay Zone B: \$13,022.00 Vernal Pool –Uplands Pay Zone C: \$37,958.00 Vernal Pool –Wetted Pay Zone F: \$69,858.00

BUILDING PERMIT FEES**TABLE NO. 1-A**

TOTAL VALUATION	FEES <i>The building permit fees for new construction include Mechanical, Plumbing and Electrical, There is a 20percent reduction in value if the building is a shell.</i>
\$1.00 to \$500	\$50.00 \$ 146.00 equals 1 hour inspection Time
\$501 to \$2,000	\$50.00 \$146.00 for the first \$500 plus \$1.30 each additional \$100 or fraction thereof, to and including \$2,000. <i>Maximum 1.13 hours of Inspection Time</i>
\$2,001 to \$25,000	\$69.50 \$165.50 for the first \$2,000 plus \$14.00 for each additional thousand or fraction thereof to and including \$25,000. <i>Maximum 3.34 hours of Inspection Time</i>
\$25,001 to \$50,000	\$391.50 487.50 for the first \$25,000 plus \$10.10 for each additional thousand, or fraction thereof, to and including \$50,000. <i>Maximum 5.06 hours of Inspection Time</i>
\$50,001 to \$100,000	\$644.00 \$740.00 for the first \$50,000 plus \$7.00 for each additional thousand, or fraction thereof, to and including \$100,000. <i>Maximum 7.46 hours of Inspection Time</i>
\$100,001 to 500,000	\$994.00 \$1090.00 for the first \$100,000 plus \$5.60 for each additional thousand, or fraction thereof. <i>Maximum 22.80 hour of Inspection Time</i>
\$500,001 to \$1,000,000	\$3,234.00 \$3330.00 for the first \$500,000 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000. <i>Maximum 39.07 hours of Inspection Time</i>
\$1,000,001 and up	\$5,609.00 \$5705.00 for the first \$1,000,000 plus \$3.15 for each additional thousand or fraction thereof. <i>Minimum 40 hours of Inspection Time</i>
OTHER INSPECTION FEES AND REFUNDS:	
1. Inspections outside of normal business hours (Minimum charge - 3 hours)	\$65.00 \$146.00 per hr. <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
2. Reinspection fee assessed under provision of Section 108.8	\$50.00 \$73.00 each equals ½ hour of inspection time.
3. Inspection for which no fee is specifically indicated	\$50.00 \$146.00 per hr. <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
4. Additional plan review as determined by the Building Official. (Minimum charge - one half hour)	\$65.00 \$164 per hr. <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
5. Special inspections required by owners, real estate agencies, or loan agencies to determine compliance to the Building Code in effect at the time of construction: First hour	\$80.00 \$146.00 equals 1 hour of inspection time \$34.00 \$73.00 equals 1/2 hour of inspection time

EXHIBIT A

Each additional hour	
6. Refunds on all permits shall be subject to an administrative processing fee	\$35.00
7. Board of Appeals Fee	\$250.00
8. Demolition Permit	\$60.00 \$73.00 equals 1/2 hour inspection Time
9. Manufactured Home, Commercial Coach	The fee shall be one-half (1/2) of the valuation set out in Table No. 1-A.
10. Maintenance of Building Plans	Fees to comply with Section 19850, Part 7 of the Health and Safety Code of the State of California. All new non-residential building plans, except agricultural buildings: Five percent (5%) of the building permit fee.
11. Disabled Access Surcharge	Multi-family residential disabled access surcharge shall be five percent (5%) of the building permit fee. Commercial disabled access surcharge shall be five percent (5%) of the building permit fee.
12. Energy Compliance Surcharge	Residential energy compliance surcharge shall be five percent (5%) of the building permit fee. Commercial energy compliance surcharge shall be ten percent (10%) of the building permit fee.
13. Plan Checking Fees	The plan checking fees for all buildings shall be sixty-five percent (65%) (100%) of the building permit fee, as set forth in this schedule. <i>The increase will cover cost of actual plan review time. It has been determined the plan review time is equal to or greater then inspection time.</i>

PLUMBING PERMIT FEES**TABLE NO. 1-1**

For issuing each permit	\$ 30.00 \$73.00 equals 1/2 hour inspection Time
In addition:	
1. For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefore)	\$ 5.00
2. For each building sewer	\$10.00
3. Solar heaters	\$15.00
4. Rainwater systems-per drain	\$ 5.00
5. For each fire hydrant (first one) (each additional)	\$170.00 \$ 45.00
6. For each private sewage disposal system	\$25.00
7. For each heater and/or vent	\$ 5.00
8. For each gas piping system of one (1) to five (5) outlets	\$ 7.00
9. For each gas piping system of six (6) or more, per outlet	\$ 2.00
10. For each industrial waste pre-treatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixtures traps	\$30.00
11. For installation, alteration or repair of water piping and/or water treating equipment	\$ 7.00
12. For repair or alteration of drainage or vent piping	\$ 7.00
13. For each lawn sprinkler system on any one meter, including backflow protection devices therefore	\$ 7.00
14. For vacuum breakers or backflow protective devices on tanks, vats, etc. or floor installation on plumbing fixtures including necessary water piping: One (1) to five (5) Over five (5), each	\$ 7.00 \$ 1.50
15. Gasoline storage tanks	\$30.00
16. For new alterations to single or multi-family building, the following flat rate shall may apply	\$ 0.045 per SF
17. Fire sprinkler systems shall be based on value charged according to the fee schedule of Section 15.04.030 of the Code of the City of Lodi	
18. Gas piping pressure test (PG&E)	\$15.00
19. Swimming pools	\$20.00
OTHER INSPECTION FEES AND REFUNDS:	

EXHIBIT A

1. Inspections outside of normal business hours (Minimum charge-3 hours)	\$ 65.00 \$146.00 per hr <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
2. Reinspection fee	\$ 50.00 \$73.00 each equals 1/2 hour inspection Time
3. Inspections for which no fee is specifically indicated	\$ 50.00 \$146.00per hr <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
4. Additional plan review as determined by the Building Official (Minimum charge – one-half hour)	\$50.00 \$164.00 per hr <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
5. Refunds on all permits shall be subject to a \$35.00 administrative processing fee.	

ELECTRICAL PERMIT FEES
TABLE NO. 3-A

1. For issuing permits, a fee shall be paid for issuing each permit in addition to all other charges specified in this section	\$20.00 \$73.00 <i>equals 1/2 hour inspection Time</i>
2. For wiring outlets at which current is used or controlled	\$1.00
3. For fixtures, sockets, or other lamp holding devices less than eighteen inches apart	\$1.00
4. For each five feet or fraction thereof multi-outlet assembly	\$1.00
5. For electric discharge lighting fixtures	\$2.00
6. Mercury vapor lamps and equipment	\$2.00
7. Heaters	\$4.00
8. X-ray machines	\$5.00
9. Swimming pools	\$30.00
10. Electric ranges, range top and ovens, clothes dryers, water heaters	\$5.00
11. For fixed motors, transformers, welder, rectifier, air conditioners and other miscellaneous equipment or appliances shall be that given in the following table for the rating thereof; Up to and including 1 hp Over 1 and not over 5 Over 5 and not over 20 Over 20 and not over 50 Over 50 and not over 100 Over 100 – Each motor per hp	 \$5.00 \$7.00 \$10.00 \$15.00 \$20.00 \$0.20
12. For any equipment or appliance containing more than one motor or other current consuming components in addition to the motor or motors, the combined electrical ratings, converted to KVA of all shall be used to determine the fee; for the purposed of this subsection one H.P. or one KW is equivalent to one KVA.	
13. The fees for a change of location or replacement of equipment on the same premises shall be the same as that for a new installation. However, no fees shall be required for moving any temporary construction motor from one place to another on the same site during the time of actual construction work after a permit has once been obtained.	

14. For switchboards the fees for installing, changing, replacing, relocating, or reinstalling a switchboard, or for additions to an existing switchboard shall be as follows: a) 600 volts and less First switchboard section Each additional section b) Over 600 volts Each additional section	 \$20.00 \$10.00 \$30.00 \$15.00
15. For distribution panels the fee for each distribution panel, panelboard, or motor control panel that is installed, changed, replaced, relocated or reinstalled	 \$10.00
16. For service installations, the installation of each set of service conductors and equipment, including changing, replacing or relocating existing service equipment, the fees shall be as shown in the following table: Type of Service Under 600 Volts (Including One Meter) 0 to 100 Amperes 101 to 200 Amperes 201 to 500 Amperes 501 to 1200 Amperes Over 1200 Amperes All services over 600 volts For each additional meter	 \$10.00 \$20.00 \$30.00 \$40.00 \$75.00 \$75.00 \$2.00
17. For alterations to a single-family dwelling on new construction work , the following flat rate shall may apply to service panels, all outlets, range, dryer, and other miscellaneous circuits	 \$0.035 per SF
18. For alterations to a multi-family building on new construction work , the following flat rate shall may apply to subpanels, all outlets, range, dryer, and any other miscellaneous circuits	 \$0.035 per SF
19. Signs	\$15.00 each
20. Inspections of damaged service	\$20.00
No permit shall be issued to any person unless all fees due are paid in full.	
OTHER INSPECTION FEES AND REFUNDS	
1. Inspections outside of normal business hours (Minimum charge-3 hours)	\$45.00 \$ 146.00 per hour <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
2. Reinspection fee	\$35.00 \$73.00 each <i>equals 1/2 hour inspection Time</i>
3. Inspections for which no fee is specifically indicated	\$34.00 \$146.00per <i>The</i>

EXHIBIT A

	<i>hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.hour</i>
4. Additional plan review as determined by the Building Official (Minimum charge—one-half hour)	\$34.00 \$164.00per hour <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
5. Refunds on all permits shall be subject to a \$35.00 administrative processing fee.	

MECHANICAL PERMIT FEES**TABLE NO. 1-A**

1. For the issuance of each permit	\$30.00 \$73.00 <i>equals 1/2 hour inspection Time</i>
2. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 BTUs	\$15.00
3. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 100,000 BTU's to and including 500,000 BTUs	\$20.00
4. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 500,000 BTU's	\$25.00
5. For the installation or relocation of each floor furnace, including vent	\$15.00
6. For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater	\$15.00
7. For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	\$10.00
8. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code	\$15.00
9. For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 BTU's	\$15.00
10. For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 BTU's to and including 500,000 BTU's	\$25.00
11. For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system over 500,000 BTU's and including 1,000,000 BTU's	\$30.00
12. For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or each absorption system over 1,000,000 BTU's to and including 1,750,000 BTU's	\$45.00
13. For the installation of or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 BTU's	\$70.00
14. For each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto Note: This fee shall not apply to an air-handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this code.	\$10.00
15. For each air handling unit over 10,000 cubic feet per minute	\$15.00

16. For each evaporative cooler other than portable type	\$10.00
17. For each ventilation fan connected to a single duct	\$10.00
18. For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	\$10.00
19. For the installation of each hood which is served by mechanical exhaust, including the ducts for hood	\$10.00
20. For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code	\$10.00
21. For alterations to a single or multi-family building, the following flat rate shall may apply	\$0.045 per SF
22. Appliance inspection (PG&E)	\$25.00
OTHER INSPECTION FEES AND REFUNDS	
1. Inspections outside of normal business hours (Minimum charge – 3 hours)	\$65.00 \$146.00 per hour <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
2. Reinspection fee assessed under provision of Section 116.6	\$50.00 \$73.00 <i>equals 1/2 hour inspection Time</i>
3. Inspections for which no fee is specifically indicated (Minimum charge - one-half hour)	\$65.00 \$146.00 per hour <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
4. Additional plan review as determined by the Building Official (Minimum charge - one-half hour).	\$65.00 \$164.00 per hour <i>The hourly fee includes, official, Permit Techs, Clerical, Materials, and overhead.</i>
5. Refunds on all permits shall be subject to a \$35.00 administrative processing fee.	

EXHIBIT B

PERMIT FEE COMPARISON

COMMERCIAL:

CURRENT PERMIT FEES:

Type II-N Building										
5125sqft of Office Space	B	\$68.10	\$349,012.50							
1250sqft of Storage Space	S-1	\$22.00	\$27,500.00							
				\$376,512.50	\$2,545.20	\$158.00	\$230.00	\$700.00	\$3,633.20	\$1,686.88
									\$5,320.08	

PROPOSED PERMIT FEES:

Type II-N Building										
5125sqft of Office Space	B	\$136.02	\$697,102.50							
1250sqft of Storage Space	S-1	\$72.73	\$90,912.50							
				\$788,015.00	\$4,702.75	\$0.00	\$0.00	\$0.00	\$4,702.75	\$4,702.75
									\$9,405.50	

Stockton			\$788,015.00	\$8,237.00	\$0.00	\$0.00	\$0.00	\$8,237.00	\$5,930.64	\$14,167.64
Modesto			\$788,015.00	\$3,534.96	\$363.38	\$363.38	\$516.38	\$4,778.10	\$2,297.73	\$7,075.83
Rocklin			\$788,015.00	\$3,750.00	\$134.00	\$134.00	\$134.00	\$4,152.00	\$2,437.50	\$6,589.50
Sacramento			\$788,015.00	\$5,747.56				\$5,747.56	\$4,686.55	\$10,434.11
Sacramento County			\$788,015.00	\$14,328.01				\$14,328.01	\$5,731.04	\$20,059.05

RESIDENTIAL:

CURRENT PERMIT FEES:

Type V-N Construction										
2,200sqft Dwelling	R-3	\$84.71	\$186,362.00							
426sqft Garage	U-1	\$24.30	\$10,351.80							
19sqft Covered Porch	U-1	\$16.60	\$315.40							
				\$197,547.00	\$1,542.80	\$149.02	\$149.02	\$149.02	\$1,989.86	\$385.70
									\$2,375.56	

PROPOSED PERMIT FEES:

Type V-N Construction										
2,200sqft Dwelling	R-3	\$94.99	\$208,978.00							
426sqft Garage	U-1	\$36.91	\$15,723.66							
19sqft Covered Porch	U-1	\$36.91	\$701.29							
				\$225,402.95	\$1,795.60	\$0.00	\$0.00	\$0.00	\$1,795.60	\$1,795.60
									\$3,591.20	

Stockton			\$225,403.00	\$3,067.90	\$0.00	\$0.00	\$0.00	\$3,067.90	\$2,208.89	\$5,276.79
Modesto			\$225,403.00	\$1,323.98	\$151.00	\$151.00	\$214.00	\$1,839.98	\$860.59	\$2,700.57
Rocklin			\$225,403.00	\$1,380.00	\$84.00	\$84.00	\$84.00	\$1,632.00	\$897.00	\$2,529.00
Sacramento			\$225,403.00	\$1,929.11				\$1,929.11	\$810.23	\$2,739.34
Sacramento County			\$225,403.00	\$5,824.41				\$5,824.41	\$2,329.64	\$8,154.05

EXHIBIT C

Building Inspection 2007/08 Billable Hours and Costs

	Hours	Cost per hour	Total
Building Inspection *	5,400	\$ 81.19	\$ 438,408.96
Building Official *	1,800	\$ 101.62	\$ 182,917.23
Plan Checking *	1,800	\$ 99.06	\$ 178,305.18
Permitting *	3,600	\$ 50.41	\$ 181,493.71
Clerical Support *	2,800	\$ 37.24	\$ 104,284.58
TOTAL			\$ 1,085,409.66

* Includes Materials and Overhead

Hourly charge for:	Cost per hour	Annual billing hrs	Revenue Recovered
Building Inspection **	\$ 146.28	5,400	\$ 789,930.60
Plan Checking **	\$ 164.16	1,800	\$ 295,479.06
			\$ 1,085,409.66

** Includes Official, Permit Techs, Clerical, Materials, and Overhead

<u>Direct and Indirect Costs</u>	
Building Inspection Budget	\$ 921,007.00
Central Services (Overhead)	\$ 164,402.21
	\$ 1,085,409.21

EXHIBIT D

PERMIT FEE COMPARISON

Occ Type	Factor	Value by Occ	Total Val	Bldg Permit	Plumb	Mech	Elec	Total Permit	Plan Check	Total PC & Permit
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COMMERCIAL:

CURRENT PERMIT FEES:

Type II-N Building										
5125sqft of Office Space	B	\$68.10	\$349,012.50							
1250sqft of Storage Space	S-1	\$22.00	\$27,500.00							
				\$376,512.50	\$2,545.20	\$158.00	\$230.00	\$700.00	\$3,633.20	\$1,686.88
										\$5,320.08

PROPOSED PERMIT FEES:

Type II-N Building										
5125sqft of Office Space	B	\$136.02	\$697,102.50							
1250sqft of Storage Space	S-1	\$72.73	\$90,912.50							
				\$788,015.00	\$4,702.75	\$0.00	\$0.00	\$0.00	\$4,702.75	\$4,702.75
										\$9,405.50

RESIDENTIAL:

CURRENT PERMIT FEES:

Type V-N Construction										
2,200sqft Dwelling	R-3	\$84.71	\$186,362.00							
426sqft Garage	U-1	\$24.30	\$10,351.80							
19sqft Covered Porch	U-1	\$16.60	\$315.40							
				\$197,547.00	\$1,542.80	\$149.02	\$149.02	\$149.02	\$1,989.86	\$385.70
										\$2,375.56

PROPOSED PERMIT FEES:

Type V-N Construction										
2,200sqft Dwelling	R-3	\$94.99	\$208,978.00							
426sqft Garage	U-1	\$36.91	\$15,723.66							
19sqft Covered Porch	U-1	\$36.91	\$701.29							
				\$225,402.95	\$1,795.60	\$0.00	\$0.00	\$0.00	\$1,795.60	\$1,795.60
										\$3,591.20

ORDINANCE NO. ____

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING
THE "2007 CALIFORNIA BUILDING CODE," VOLUMES 1 AND 2,
THEREBY REPEALING AND RE-ENACTING LODI MUNICIPAL
CODE CHAPTER 15.04 IN ITS ENTIRETY

=====

NOW THEREFORE the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.04 "Building Code" is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.04

Building Code

- 15.04.010 Adoption.
- 15.04.020 CBC Appendix Chapter 1 (Board of Appeals).
- 15.04.030 CBC Appendix Chapter 1 (Building Permit Fees and Valuation).
- 15.04.035 Fee Schedule.
- 15.04.040 Special Inspections – Downtown Business District.
- 15.04.050 Repetitive Submittals (Master Plans).
- 15.04.060 Violation – Misdemeanor.

15.04.010 Adoption

The provisions set forth in the 2007 California Building Code, Volumes 1, 2, including Appendix Chapter 1 Administration, Appendix I, J, and A1 thereto, are hereby adopted as the Building Code of the City of Lodi. The Building Code of the City of Lodi shall apply to all matters pertaining to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Lodi, California; the issuance of building permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2007 California Building Code," Volumes 1, 2, and appendixes thereto.

15.04.020 CBC Appendix Chapter 1 (Board of Appeals):

Sec.112.1 - In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a board of appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.04.030 CBC Appendix Chapter 1 (Building Permit Fees and Valuation):

Sec. 108.1. Building Permit Fees. A fee for each building permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

Section 108.2. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official and shall be based of the latest building valuation data as printed in the Building Safety Journal, published by the International Code Council, 5360 South Workman Mill Road, Whittier, CA 90601. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available in Building Safety Journal.

15.04.035 Fee Schedule.

The schedule of building permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.04.040 Special Inspections – Downtown business district.

- A. Notwithstanding any other provision of this Chapter, special inspection fees required to determine compliance with this Chapter for all buildings and structures located within the area designated by Lodi Municipal Code Section 13.12.195(B) as the “downtown business district” are waived.
- B. The City Council finds and declares that the waiver of special inspection fees is taken to protect and preserve a crucial part of City’s economy and to preserve a portion of the City’s heritage by offering incentives for businesses to locate, relocate, or expand existing commercial uses within the downtown “business district.”

15.04.050 Repetitive submittals (Master Plans):

- A. Fees for the repetitive submittals of Master Plans shall be as follows:
 - 1. Original plan: 100% of building permit fee, plus 10%.
 - 2. Subsequent plans: 25% of building permit fee.
 - 3. City’s Building Code (Chapter 15.04) is subject to review and adoption every three years; as such, Master Plans expire upon adoption of City’s new Building Code.

15.04.060 Violation – Misdemeanor

- A. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure located within the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter.

- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.04.060 (B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. No Mandatory Duty of Care: This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2008, which date is at least thirty (30) days after the passage of this ordinance.

Approved this ____ day of November, 2007.

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 2007 and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2007 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER

By: _____
JANICE D. MAGDICH
Deputy City Attorney

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING COMMUNITY DEVELOPMENT
DEPARTMENT BUILDING CODE RELATED FEES

=====

WHEREAS, the Lodi Municipal Code requires the City Council to set fees for various services provided by the City of Lodi to recover the costs associated with providing specific services and programs; and

NOW, THEREFORE, BE IT RESOLVED that the City Council finds as follows:

1. That the Building Code related permit/inspection fees attached hereto on Table 1-A, are approved; and
2. All resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist; and
3. This resolution shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect on January 1, 2008, which date is at least thirty (30) days after the passage of this Resolution.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____

BUILDING CODE
 PERMIT/INSPECTION FEES
 TABLE NO. 1-A

TOTAL VALUATION	FEES
\$1.00 to \$500	\$146.00
\$501 to \$2,000	\$146.00 for the first \$500 plus \$1.30 additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	\$165.50 for the first \$2,000 plus \$14.00 for each additional thousand or fraction thereof to and including \$25,000.
\$25,001 to \$50,000	\$487.50 for the first \$25,000 plus \$10.10 for each additional thousand, or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$740.00 for the first \$50,000 plus \$7.00 for each additional thousand, or fraction thereof, to and including \$100,000.
\$100,001 to 5,000,000	\$1090.00 for the first \$100,000 plus \$5.60 for each additional thousand, or fraction thereof.
\$500,001 to \$1,000,000	\$3330.00 for the first \$500,000 plus \$4.75 for each additional 1,000.00, or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up	\$5705.00 for the first \$1,000,000 plus \$3.15 for each additional thousand or fraction thereof.

OTHER INSPECTION FEES AND REFUNDS:

1. Inspections outside of normal business hours
(Minimum charge – 3 hours) \$146.00 per hr
2. Reinspection fee assessed under provision
of Section 108.8 \$ 73.00 each
3. Inspection for which no fee is specifically
Indicated \$146.00 per hr
4. Additional plan review as determined by
the Building Official.
(Minimum charge – ½-hour) \$164.00 per hr
5. Special inspections required by owners, real estate
Agencies, or loan agencies to determine compliance
to the Building Code in effect at the time of
construction:

First hour	\$146.00
Each additional ½-hour	\$ 73.00
6. Refunds on all permits shall be subject to an
Administrative processing fee. \$ 35.00
7. Board of Appeals Fee \$250.00
8. Demolition Permit \$ 73.00
9. Manufactured Home, Commercial Coach The fee shall be one-half (1/2) of the
valuation set out in Table No. 1-A
10. Maintenance of Building Plans Fees to comply with Section 19850, Part 7 of the
Health and Safety Code of the State of California. All new non-residential building
plans, except agricultural buildings: Five percent (5%) of the building permit fee.
11. Disabled Access Surcharge: Multi-family residential disabled access surcharge
shall be five percent (5%) of the building permit fee. Commercial disabled access
surcharge shall be five percent (5%) of the building permit fee.
12. Energy Compliance Surcharge: Residential energy compliance surcharge shall
be five percent (5%) of the building permit fee. Commercial energy compliance
surcharge shall be ten percent (10%) of the building permit fee.
13. Plan Check Fees: The plan checking fees for all buildings shall be one hundred
percent (100%) of the building permit fee, as set forth in this table.

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING
THE "2007 CALIFORNIA MECHANICAL CODE," THEREBY
REPEALING AND RE-ENACTING LODI MUNICIPAL CODE
CHAPTER 15.08 IN ITS ENTIRETY

=====

NOW THEREFORE the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.08 "Mechanical Code" is hereby repealed and reenacted in its entirety to read as follows:

Chapter 15.08

Mechanical Code

- 15.08.010 Adoption.
- 15.08.020 Mechanical Permit Fees.
- 15.08.025 Fee Schedule.
- 15.08.030 Installation.
- 15.08.040 Violation – Misdemeanor.

15.08.010 Adoption

The provisions set forth in the "2007 California Mechanical Code," together with appendix Chapter 1 Administration and all other appendix thereto, are hereby adopted as the Mechanical Code of the City of Lodi. The Mechanical Code of the City of Lodi shall apply to all matters pertaining to erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilation, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances; to the issuance of permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2007 California Mechanical Code," together with the appendixes thereto, within the City of Lodi.

15.08.020 Mechanical Permit Fees

A fee for each mechanical permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.08.025 Fee Schedule.

The schedule of Mechanical Permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.08.030 Installation.

Section 304.1 Installation. The California Mechanical Code adopted in Section 15.08.010, is amended to read as follows:

Section 304.1. 2. Location of heating and cooling equipment. Heating, cooling, and swimming pool equipment shall not be located within the required five-foot side yard setback as defined by the City of Lodi Zoning Ordinance for residential zonings.

- A. It shall be unlawful for any person, to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, comfort cooling, or refrigeration equipment in the jurisdiction, or cause the same to be done, contrary to or in violation of any of the provision of this Chapter. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code if installed after effective date of this Chapter, shall constitute a continuing violation of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.08.040 (B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2 – No Mandatory Duty of Care: This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside if the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 – Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4: All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5: This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect January 1, 2008, which date is at least thirty (30) days after passage of this ordinance.

Approved this ____ day of _____, 2007

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 2007, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2007 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER

By: _____
JANICE D. MAGDICH
Deputy City Attorney

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING COMMUNITY DEVELOPMENT
DEPARTMENT MECHANICAL CODE
RELATED FEES

=====

WHEREAS, the Lodi Municipal Code requires the City Council to set fees for various services provided by the City of Lodi to recover the costs associated with providing specific services and programs; and

NOW, THEREFORE, BE IT RESOLVED that the City Council finds as follows:

1. That the Mechanical Code related permit/inspection fees attached hereto on Table 1-A, are approved; and
2. All resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist; and
3. This resolution shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect on January 1, 2008, which is at least thirty (30) days after the passage of this Resolution.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____

MECHANICAL CODE
 PERMIT/INSPECTION FEES
 TABLE 1 –A

1. For the issuance of each permit	\$73.00
2. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 BTU's	\$15.00
3. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 100,000 BTU's to and including 500,000 BTU's	\$20.00
4. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 500,000 BTU's	\$25.00
5. For the installation or relocation of each floor furnace, including vent	\$15.00
6. For the installation of relocation of each suspended heater, recessed wall heater or floor mounted unit heater.	\$15.00
7. For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit.	\$10.00
8. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code	\$15.00
9. For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 BTU's	\$15.00
10. For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 BTU's to and including 500,000 BTU's	\$25.00

11. For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system over 500,000 BTU's and including 1,000,000 BTU's	\$30.00
12. For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or each absorption system over 1,000,000 BTU's to and including 1,750,000 BTU's	\$45.00
13. For the installation of or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 BTU's	\$70.00
14. For each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto	\$10.00
NOTE: This fee shall not apply to an air-handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this Code.	
15. For each air handling unit over 10,000 cubic feet per minute	\$15.00
16. For each evaporative cooler other than portable type	\$10.00
17. For each ventilation fan connected to a single duct	\$10.00
18. For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	\$10.00
19. For the installation of each hood which is served by mechanical exhaust, including the ducts for hood	\$10.00
20. For each appliance or piece of equipment regulated by this Code but not classed in other appliance categories, or for which no other fee is listed in this Code	\$10.00
21. For alteration to a single or multi-family building, the following flat rate shall may apply	\$.045 per sf
22. Appliance inspection (PG&E)	\$25.00

OTHER INSPECTION FEES AND REFUNDS

1. Inspections outside of normal business hours (Minimum charge – 3 hours)	\$146.00 per hr
--	-----------------

- | | |
|---|-----------------|
| 2. Reinspection fee assessed under provision of Section 116.6 | \$73.00 |
| 3. Inspections for which no fee is specifically indicated (Minimum charge – ½- hour) | \$146.00 per hr |
| 4. Additional plan review as determined by the Building Official.
(Minimum charge – ½- hour) | \$164.00 per hr |
| 5. Refunds on all permits shall be subject to a \$35.00 administrative processing fee. | |

ORDINANCE NO. ____

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING
THE "2007 CALIFORNIA ELECTRICAL CODE," AND THEREBY
REPEALING AND RE-ENACTING LODI MUNICIPAL CODE
CHAPTER 15.16 IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.16 "Electrical Code" is hereby repealed and reenacted in its entirety to read as follows.

Chapter 15.16

Electrical Code

Sections:

- 15.16.010 Adoption.
- 15.16.020 Fees.
- 15.16.025 Fee Schedule.
- 15.16.030 Violation – Misdemeanor.

15.16.010 Adoption

The provisions set forth in the "2007 California Electrical Code" together with Annex G Administration and Enforcement thereto, are hereby adopted as the Electrical Code of the City of Lodi. The Electrical Code of the City of Lodi shall apply to all matters pertaining to the installation, alteration, or addition of electrical wiring, devices, appliances, or equipment in the City of Lodi, California; and the enforcement of the rules and regulations as set forth in the 2007 California Electrical Code and Annex thereto.

15.16.020 Fees

A fee for each electrical permit required by this Code shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.16.025 Fee Schedule

The Schedule of Electrical Permit Fees required by this Chapter will be those established and adopted by the City Council from time to time by Resolution.

15.16.030 Violation – Misdemeanor

- A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any electrical wiring, devices, appliances or equipment or permit the same to be done in violation of this Chapter.

- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.16.030 (B) above, City may at its sole discretion, seek to enforce its Building Code under Chapter 1.10 of this Code.

Section 2. - No Mandatory Duty of Care This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. - Severability If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2008, which date is at least thirty (30) days after the passage of this ordinance.

Approved this ____ day of _____, 2007.

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 2007, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN COUNCIL MEMBERS –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEVEN SCHWABAUER
City Attorney, City of Lodi

By _____
JANICE MAGDICH
Deputy City Attorney

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING COMMUNITY DEVELOPMENT
DEPARTMENT ELECTRICAL CODE RELATED FEES

=====

WHEREAS, the Lodi Municipal Code requires the City Council to set fees for various services provided by the City of Lodi to recover the costs associated with providing specific services and programs; and

NOW, THEREFORE, BE IT RESOLVED that the City Council finds as follows:

1. That the Electrical Code related permit/inspection fees as shown on Table 3-A, attached and made a part hereof are approved; and
2. All resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist; and
3. This resolution shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect on January 1, 2008, which date is at least thirty (30) days after the passage of this resolution.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____

ELECTRICAL CODE
 PERMIT/INSPECTION FEES
 TABLE 3-A

1. For issuing permits, a fee shall be paid for issuing each permit in addition to all other charges specified in this section	\$73.00
2. For wiring outlets at which current is used or controlled	\$ 1.00
3. For fixtures, sockets, or other lamp holding devices less than eighteen inches apart	\$ 1.00
4. For each five feet or fraction thereof multi-outlet assembly	\$ 1.00
5. For electric discharge lighting fixtures	\$ 2.00
6. Mercury vapor lamps and equipment	\$ 2.00
7. Heaters	\$ 4.00
8. X-ray machines	\$ 5.00
9. Swimming pools	\$30.00
10. Electric ranges, range top and ovens, clothes Dryers, water heaters	\$ 5.00
11. For fixed motors, transformers, welder, rectifier, air conditioners and other miscellaneous equipment or appliances shall be that given in the following table for the rating thereof;	
Up to and including 1 hp	\$ 5.00
Over 1 and not over 5	\$ 7.00
Over 5 and not over 20	\$10.00
Over 20 and not over 50	\$15.00
Over 50 and not over 100	\$20.00
Over 100 – Each motor per hp	\$.20
12. For any equipment or appliance containing more than one motor or other current consuming components in addition to the motor or motors, the combined electrical ratings, converted to KVA of all shall be used to determine the fee; for the purposed of this subsection one H.P. or one KW is equivalent to one KVA.	

13. The fees for a change of location or replacement of equipment on the same premises shall be the same as that for a new installation. However, no fees shall be required for moving any temporary construction motor from one place to another on the same site during the time of actual construction work after a permit has once been obtained.
14. For switchboards the fees for installing, changing, replacing, relocating, or reinstalling a switchboard, or for additions to an existing switchboard shall be as follows:
 - a) 600 volts and less

First switchboard section	\$20.00
Each additional section	\$10.00
 - b) Over 600 volts

Each additional section	\$30.00
	\$15.00
15. For distribution panels the fee for each distribution panel, panelboard, or motor control panel that is installed, changed, replaced, relocated or reinstalled \$10.00
16. For service installations, the installation of each set of service conductors and equipment, including changing, replacing or relocating existing service equipment, the fees shall be as shown in the following table:

TYPE OF SERVICE UNDER 600 VOLTS (Including One Meter)	
0 to 100 Amperes	\$10.00
101 to 200 Amperes	\$20.00
201 to 500 Amperes	\$30.00
501 to 1200 Amperes	\$40.00
Over 1200 Amperes	\$75.00
All services over 600 volts	\$75.00
For each additional meter	\$ 2.00
17. For alterations to a single-family dwelling the following flat rate may apply to service panels, all outlets, range, dryer, and other miscellaneous circuits \$.035 per sf
18. For alterations to multi-family buildings the following flat rate may apply to subpanels, all outlets, range, dryer, and any other miscellaneous circuits \$.035 per sf
19. Signs \$15.00 each
20. Inspections of damaged service \$20.00

No permit shall be issued to any person unless all fees due are paid in full.

OTHER INSPECTION FEES AND REFUNDS

- | | |
|---|------------------|
| 1. Inspections outside of normal business hours
(Minimum charge – 3 hours) | \$146.00 per hr. |
| 2. Reinspection fee | \$ 73.00 each |
| 3. Inspections for which no fee is specifically
indicated | \$146.00 per hr. |
| 4. Additional plan review as determined
By the Building Official.
(Minimum charge – ½-hour) | \$164.00 per hr. |
| 5. Refunds on all permits shall be subject to a
\$35.00 administrative processing fee. | |

ORDINANCE NO. ____

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING
THE "2007 CALIFORNIA PLUMBING CODE", THEREBY
REPEALING AND REENACTING LODI MUNICIPAL CODE
CHAPTER 15.12 IN ITS ENTIRETY

=====

NOW THEREFORE the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.12 "Plumbing Code" is hereby repealed and reenacted to read as follows:

Chapter 15.12

Plumbing Code

- 15.12.010 Adoption.
- 15.12.020 Department Having Jurisdiction.
- 15.12.030 Plumbing Permit Fees
- 15.12.035 Fee Schedule.
- 15.12.040 Violation – Misdemeanor.

15.12.010 Adoption

The provisions set forth in the "2007 California Plumbing Code" together with Appendix Chapter 1 Administration and enforcement thereof, and all other appendix thereto, are hereby adopted as the Plumbing Code of the City of Lodi. The Plumbing Code of the City of Lodi shall apply to all matters pertaining to plumbing, drainage systems and gas fittings in the City of Lodi.

15.12.020 Department Having Jurisdiction

The Building Division of the Community Development Department and the Building Official or his/her authorized representative shall enforce the provisions of this Chapter and shall have all of the duties and rights of the Administrative Authority as provided in the 2007 California Plumbing Code.

15.12.030 Plumbing Permit Fees

A fee for each plumbing permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.12.035 Fee Schedule

The schedule of plumbing permit fees required by this Chapter will be those established and adopted by City Council from time to time by resolution.

15.12.040 Violation – Misdemeanor

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing or permit the same to be done in violation of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.12.040 (B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2 – No Mandatory Duty of Care: This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 – Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4: All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5: This ordinance shall be published one time in the “Lodi News Sentinel,” a newspaper of general circulation, printed and published in the City of Lodi, and shall be in force and take effect January 1, 2008, which date is at least thirty (30) days after passage of this ordinance.

Approved this ____ day of _____, 2007.

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance ____ was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 2007 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2007 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER

By: _____
JANICE D. MAGDICH
Deputy City Attorney

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING COMMUNITY DEVELOPMENT
DEPARTMENT PLUMBING CODE RELATED FEES

=====

WHEREAS, the Lodi Municipal Code requires the City Council to set fees for various services provided by the City of Lodi to recover the costs associated with providing specific services and programs; and

NOW, THEREFORE, BE IT RESOLVED that the City Council finds as follows:

1. That the Plumbing Code related permit/inspection fees as shown on Table 3-A, attached and made a part hereof are approved; and
2. All resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist; and
3. This resolution shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect on January 1, 2008, which date is at least thirty (30) days after the passage of this resolution.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____

PLUMBING CODE
 PERMIT/INSPECTION FEES
 TABLE NO. 1-1

For issuing each permit	\$ 73.00
-------------------------	----------

In addition:

- | | |
|--|----------------------|
| 1. For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefore) | \$ 5.00 |
| 2. For each building sewer and each trailer park sewer | \$ 10.00 |
| 3. Solar heaters | \$ 15.00 |
| 4. Rainwater systems-per drain | \$ 5.00 |
| 5. For each fire hydrant (first one)
(each additional) | \$170.00
\$ 45.00 |
| 6. For each private sewage disposal system | \$ 25.00 |
| 7. For each heater and/or vent | \$ 5.00 |
| 8. For each gas piping system of one (1) to five (5) outlets | \$ 7.00 |
| 9. For each gas piping system of six (6) or more, per outlet | \$ 2.00 |
| 10. For each industrial waste pre-treatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixtures traps | \$ 30.00 |
| 11. For installation, alteration or repair of water piping and/or water treating equipment | \$ 7.00 |
| 12. For repair or alteration of drainage or vent piping | \$ 7.00 |
| 13. For each lawn sprinkler system on any one meter, including backflow protection devices therefore | \$ 7.00 |
| 14. For vacuum breakers or backflow protective devices on tanks, vats, etc. or floor installation on plumbing fixtures including necessary water | |

piping:	
One (1) to five (5)	\$ 7.00
Over five (5), each	\$ 1.50
15. Gasoline storage tanks	\$ 30.00
16. For alterations to single or multi-family building, the following flat rate may apply	\$ 0.045 per sf
17. Fire sprinkler systems shall be based on value charged according to the fee schedule of Section 15.04.030 of the Code of the City of Lodi	
18. Gas piping pressure test (PG&E)	\$ 15.00
19. Swimming pools	\$ 20.00

OTHER INSPECTION FEES AND REFUNDS:

1. Inspections outside of normal business hours (Minimum charge-3 hours)	\$146.00 per hr
2. Reinspection fee	\$ 73.00 each
3. Inspections for which no fee is specifically indicated	\$146.00 per hr
4. Additional plan review as determined by the Building Official. (Minimum charge – ½-hour)	\$164.00 per hr
5. Refunds on all permits shall be subject to a \$35.00 administrative processing fee.	



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2007 CALIFORNIA BUILDING CODE, MECHANICAL CODE, ELECTRICAL CODE, PLUMBING CODE, AND FIRE CODE WITH LOCAL AMENDMENTS AND REVISE BUILDING PERMIT FEE SCHEDULE 1A, ALONG WITH FEE INCREASES FOR BUILDING, MECHANICAL, PLUMBING, AND ELECTRICAL PERMITS

PUBLISH DATE: SATURDAY, OCTOBER 6, 2007

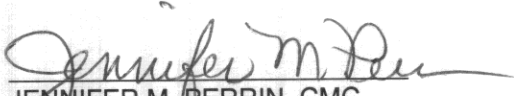
LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, OCTOBER 4, 2007

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____(time) on _____(date) _____(pages)
Phoned to confirm receipt of all pages at _____(time) _____CH _____CM _____JMP (initials)



DECLARATION OF POSTING

**PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2007 CALIFORNIA
BUILDING CODE, MECHANICAL CODE, ELECTRICAL CODE, PLUMBING CODE,
AND FIRE CODE WITH LOCAL AMENDMENTS AND REVISE BUILDING PERMIT
FEE SCHEDULE 1A, ALONG WITH FEE INCREASES FOR BUILDING,
MECHANICAL, PLUMBING, AND ELECTRICAL PERMITS**

On Friday, October 5, 2007, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, and Fire Code with local amendments and revise Building Permit Fee Schedule 1A, along with fee increases for building, mechanical, plumbing, and electrical permits (attached and marked as Exhibit A), was posted at the following locations:

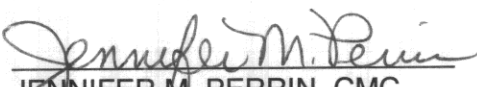
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 5, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: October 17, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, October 17, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider approval of the following item:

- a) **Adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, and Fire Code with local amendments and revise Building Permit Fee Schedule 1A, along with fee increases for building, mechanical, plumbing, and electrical permits.**

Information regarding the 2007 California Building Code, Mechanical Code, Electrical Code, and Plumbing Code may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. Information pertaining to the Fire Code may be obtained in the Fire Department, 25 E. Pine Street, (209) 333-6735. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: October 3, 2007

Approved as to form:

D. Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public hearing to introduce an ordinance repealing and reenacting Chapter 20 of Title 15 of the City of Lodi Municipal Code regulating and governing fire prevention and adopting by reference code known as the "California Fire Code, Title 24, California Code of Regulations, Part 9", and the 2006 edition of the International Fire Code Standards, effective as of January 1, 2008.

MEETING DATE: October 17, 2007

PREPARED BY: Michael Pretz, Fire Chief

RECOMMENDED ACTION: Open public hearing to consider introducing ordinance to repeal and re-enact Chapter 20 of Title 15 of the City of Lodi Municipal Fire Code and continue public hearing to November 7, 2007.

BACKGROUND INFORMATION: The State of California adopts codes relating to buildings, fire and life safety and associated codes on a three year cycle. California has eliminated a number of the Uniform Codes which included the Uniform Fire Code. The Uniform Fire Code has been the California adopted fire code since the early 1900s. The State of California has now joined with almost all states in adopting the International Fire Code along with the International Building Code. The International Fire Code was reviewed by fire and trade professionals from California and amendments were added or sections deleted to continue the fire and life safety provisions California has adopted in the past. This document will now become a state minimum requirement throughout California effective January 1, 2008 and will be known as the 2007 California Fire Code.

The Lodi Municipal Fire Code was evaluated and recommendations for additions, deletions, modifications and/or corrections have been made to the code to continue the guidance of our existing local ordinances with and are included in attached document "Summary of ordinances and changes".

FISCAL IMPACT: None

FUNDING AVAILABLE: None Required

Michael Pretz, Fire Chief

MEP/lh

Attachments

APPROVED: _____
Blair King, City Manager

FIRE CODE ADOPTION INFORMATION PACKET

2007 CALIFORNIA FIRE CODE

Prepared by:
Verne Person
Fire Marshal
October 17, 2007



CITY OF LODI FIRE DEPARTMENT

25 EAST PINE STREET
LODI, CALIFORNIA 95240
ADMINISTRATION (209) 333-6735 FIRE PREVENTION (209) 333-6739
FAX (209) 333-6844



Verne Person
Fire Marshal

Michael E. Pretz
Fire Chief

Kevin Donnelly
Operations Chief

George Juelch
Battalion Chief

Jeff Larson
Battalion Chief

Ron Penix
Battalion Chief

Ron Heberle
Training Officer

TO: Mayor and Members of the City Council

FROM: Verne Person, Fire Marshal

DATE: October 11, 2007

SUBJECT: INFORMATION PACKET – INTERNATIONAL FIRE CODE & LODI FIRE CODE ADOPTION

The adoption of the City of Lodi Municipal Fire Code is scheduled for the City Council meeting on November 7, 2007. Contained within this document are recommendations to the California Fire Code, 2007 Edition for inclusion into the Lodi Fire Code (LMC Chapter 15.20).

I have color coded the sections to provide for an easier review of the material. The color coding is as follows:

Summary of Ordinances and ChangesGreen
Ordinance Reflecting Recommended Changes (Red)Blue
Proposed OrdinanceYellow

The California Fire Code and California Building Code have undergone major changes. The Uniform Fire Code and Uniform Building Code are no longer in effect and the International Fire Code and International Building Code are now the adopted code for California. The Uniform Codes have been utilized since the early 1900s. California now joins 48 other states enforcing the provisions of the International Fire and Building Codes.

The one major change is the International Codes place more weight on fire sprinklers and less on area separations. For approximately 30 years, the fire service has been creating local ordinances to the fire code with regards to fire sprinklers. The focus of the code had been to alert occupants through the installation of fire alarm system. During this period of time, the California Building and Fire Code has continued to increase the types of occupancies requiring fire sprinkler systems for fire safety as well as property conservation. The direction of California and the fire service has dictated this life safety course and will continue to stay the course.

The International Codes are a minimum requirement throughout the State of California and in conjunction with state adopted amendments and local amendments a balance to the fire and life safety needs of the citizens of Lodi is ensured.

The significant additions/modifications to the LMC are as follows:

- Increases address lettering sizes to meet International Code requirements
- Establishes illuminated addresses on new buildings
- Establishes amplification system to specific building which inhibit radio transmissions from police or fire personnel during emergency responses
- Establish maintenance and notification system for fire protection systems
- Removes local exception for 2 hour fire walls in fire sprinkler ordinance
- Establishes identification of buildings with fire protection equipment
- Establishes guidelines for indoor tire storage
- Authorizes seizure of fireworks and destroying at owners expense
- Changes enforcement provisions within fire code to utilize LMC Chapter 1.10 – Administrative Enforcement Provisions, thus creating uniformity throughout city
- Creates administrative costs for inspections for failure to appear or being unprepared
- Establishes notification system of structure fires to Community Development for required inspections and permits
- Establishes enforcement provisions for continued work after stop work order has been issued.
- Establishes fire hydrant distribution requirements

CITY OF LODI FIRE CODE

SUMMARY OF ORDINANCES AND CHANGES

October, 2007

Lodi Municipal Code Section	California Fire Code Section	Summary	New, deleted, modification or correction
15.20.060	308.3.5	Superseded by California Code of Regulations - Title 19 – Section 3.25. Carrying of hand-held candles are not allowed under any circumstance in assembly, education or institutional occupancies.	Deletion
15.20.100	505(A)	Increases address lettering sizes to meet International Code requirements	Correction
15.20.100	505(E)	Establishes requirement for addresses to be illuminated on all new buildings. Not retroactive on existing buildings	New
15.20.120	Chapter 5	Establishes amplification system as well as inspections and maintenance to building which have building components or construction that create inadequate public safety radio transmission from within the building	New
15.20.150	901.7	Establishes a maintenance system to assure notification is made when fire protection system is inoperable or being serviced and company performing work on systems be licensed	New
15.20.160	903	Removes exception to City of Lodi fire sprinkler ordinance for 2-hour firewall	Modification
15.20.170	903	Establishes identification system for indicating buildings or portions of building which fire protection system serves, thus allowing emergency responders rapid operation of equipment	New
15.20.180	903	Creates exception of fire control room for single family dwelling and duplexes which have fire sprinkler systems.	Modification
15.20.210	Chapter 25	Sets guidelines for storage of tires inside structures	New
15.20.220	Chapter 33	Authorizes fire personnel to seize fireworks and destroy at the owner's expense	New
15.20.280	Appendix Chap. 1 105.1.1	Changes enforcement to Lodi Municipal Code- Chapter 1.10 Administrative Enforcement Provisions, to create uniformity with various city departments	Modification
15.20.290	Appendix Chap. 1 105.2.2	Establishes joint approval from all effected city departments	Modification
15.20.320	Appendix Chap. 1 106.2	Establishes fee for administrative costs associated with requested inspection when requestee fails to appear or is unprepared for inspection	New
15.20.330	Appendix Chap. 1 109.2 & 109.3	Changes enforcement to Lodi Municipal Code- Chapter 1.10 Administrative Enforcement Provisions, to create uniformity with various city departments, also defines terminology, and deletes one non fire related item	New
15.20.350	Appendix Chap. 1 110	Establishes notification by fire department to occupants or owners of fire damaged structures to contact Community Development to obtain inspection and proper permits for repairs	New
15.20.360	Appendix Chap. 1 111.4	Establishes failure to comply provisions for persons who continue work after a stop work order has been issued	New
15.20.370	Appendix C C105.1	Establishes requirements for fire hydrant distribution. No changes to current city policy	New

DELETED SECTIONS (2005 Adoption)	TITLE		
15.20.060	Appeals	Covered within International Code Appendix Chapter 1 Section 108	Deleted
15.20.020	Bureau of Fire Prevention	Covered within International Code Appendix Chapter 1 Section 103.1	Deleted
15.20.070	Responsibility for Enforcement	Covered within International Code Appendix Chapter 1	Deleted
15.20.100	Violation	Covered within International Code Appendix Chapter 1 Section 109 & Lodi Municipal Code Chapter 1.10 Administrative Enforcement Provisions	Deleted
15.20.110	Criminal or Civil Penalty for Violation	Covered within International Code Appendix Chapter 1 Section 109 & Lodi Municipal Code Chapter 1.10 Administrative Enforcement Provisions	Deleted
15.20.120	Misdemeanors – Continuing Violations	Covered within International Code Appendix Chapter 1 Section 109 & Lodi Municipal Code Chapter 1.10 Administrative Enforcement Provisions	Deleted
15.20.130	Prosecution	Covered within International Code Appendix Chapter 1 Section 109 & Lodi Municipal Code Chapter 1.10 Administrative Enforcement Provisions	Deleted
15.20.140	Penalty for Infraction	Covered within International Code Appendix Chapter 1 Section 109 & Lodi Municipal Code Chapter 1.10 Administrative Enforcement Provisions	Deleted
15.20.150	Penalty for Misdemeanor	Covered within International Code Appendix Chapter 1 Section 109 & Lodi Municipal Code Chapter 1.10 Administrative Enforcement Provisions	Deleted
15.20.170	Civil Penalties	Covered within International Code Appendix Chapter 1 Section 105.3.2	Deleted
15.20.190	Expiration	Covered within International Code Appendix Chapter 1 Section 109 & Lodi Municipal Code Chapter 1.10 Administrative Enforcement Provisions	Deleted
15.20.210	Violation	Covered within International Code Appendix Chapter 1 Section 109 & Lodi Municipal Code Chapter 1.10 Administrative Enforcement Provisions	Deleted
15.20.220	Inspection Required	Covered within International Code Appendix Chapter 1 Section 105.2.2	Deleted
15.20.320	Gates or Other Structures or Devices	Covered within International Code Section 503.5 and Lodi Fire Department Standard C-01	Deleted
15.20.390	Recreational Fires	Covered within International Code Section 307.1.1	Deleted

ORDINANCE NO.

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.20 OF TITLE 15 OF THE CITY OF LODI MUNICIPAL CODE REGULATING AND GOVERNING FIRE PREVENTION AND ADOPTING BY REFERENCE A CERTAIN CODE KNOWN AS THE “CALIFORNIA FIRE CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS, PART 9”, INCORPORATING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE AND THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE STANDARDS, AS ADOPTED AND COMPILED BY THE INTERNATIONAL CODE COUNCIL.

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

Section 1. That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Lodi, being marked and designated as the California Fire Code, 2007 edition, including Chapters 3, 5 and 25 and Appendix Chapters 1, D, E, F and G, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Lodi, in the State of California, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the City Clerks office of the City of Lodi are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. There is hereby adopted new Sections 15.20. 010 through 15.20.**380** of the Municipal Code of the City of Lodi to read in full as follows:

CHAPTER 15.20 FIRE CODE

Section:

15.20.010	Adoption
15.20.020	Enforcement
15.20.030	Definitions
15.20.040	Findings and filings
15.20.050	Open burning
15.20.060	Religious ceremonies
15.20.070	Pallets, palletized packing boxes and bin boxes
15.20.080	Dimensions – Fire Lanes
15.20.090	Surfaces – Fire Lanes

15.20.100	Premises identification
15.20.110	Hazardous materials management plan box
15.20.120	Public safety radio building amplification system
15.20.130	Gas Meters - Gas service identification
15.20.140	Electrical disconnect
15.20.150	System maintenance – fire protection equipment
15.20.160	Automatic fire extinguishing systems
15.20.170	Sprinkler coverage identification
15.20.180	Fire control room
15.20.190	Fire alarm certification
15.20.200	Opening burning - construction sites
15.20.210	Inside tire storage
15.20.220	Seizure of fireworks
15.20.230	Limits explosive and blasting agents
15.20.240	Manufacturing of fireworks
15.20.250	Locations where aboveground tanks are prohibited – Class I & II liquids
15.20.260	Contract inspector
15.20.270	Fire investigators
15.20.280	Permit fees
15.20.290	Inspection authorized
15.20.300	Revocation
15.20.310	Permits required
15.20.320	Administrative costs - Inspections
15.20.330	Administrative enforcement provisions
15.20.340	Abatement of hazard by fire code official
15.20.350	Structural fires.
15.20.360	Failure to comply
15.20.370	Distribution of fire hydrants
15.20.380	Changes or modifications

15.20.010 Adoption

The provisions set forth in that portion of the State Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2006 Edition published by the International Code Council, Inc. and California Building Standards Commission with errata, together with those portions of the International Fire Code, 2006 Edition, including Appendixes, The International Fire Code Standards, 2006 Edition, as amended by the International Fire Code Standards, 2006 Edition, published by the International Code Council, Inc., not included in the State Building Standards Code, as modified and amended by this Chapter , are adopted as the Fire Code of the City of Lodi. The Fire Code of the City shall apply in all matters pertaining to storage, handling and use of hazardous substances, materials and devices; and to conditions hazardous to life and property in the use or premises within the City.

15.20.020 Enforcement

Peace officers and persons employed in such positions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violation of this Chapter. The following designated employee positions may enforce the provisions of this Chapter by issuance of citations. The designated employee positions are: the City Manager or his or her duly authorized representative, the Fire Chief, the Fire Marshal, Fire Inspectors and all sworn members of the fire department

15.20.030 Definitions

- a) Whenever the words “International Fire Code” is used in this Chapter, it shall mean the California Fire Code, Title 24, California Code of Regulations, Part 9, incorporating the 2006 Edition of the International Fire Code.
- b) Whenever the word “municipality” is used in the International Fire Code, it shall mean the City of Lodi.
- c) Whenever the words “Chief” or “Fire Code Official” are used in the International Fire Code, they shall mean the Fire Chief or his/her designated representative.

15.20.040 Findings and filings

The findings of facts in accordance with Health and Safety Code Section 17958.5, are filed separately with the California Building Standards Commission and Lodi City Clerk’s Office.

15.20.050 Open burning

Section 307.1 of the California Fire Code is hereby amended to read as follows:

A person shall not kindle or authorize to be kindled or maintain any outdoor burning within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Code Official for the following purposes:

- a. The prevention of a fire hazard that cannot be evaded by any other means.
- b. The instruction of public employees in the methods of fighting fire.
- c. The instruction of employees in the methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.

- d. The setting of backfires necessary to save life or valuable property pursuant to section 4462 of the Public Resource Code.
- e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.
- f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Code Official, provided that the combustible is clear dry wood or charcoal. Approval shall be in accordance with Section 307.1.1 – 307.5 of the California Fire Code.

15.20.060 Religious ceremonies

Section 308.3.5 of the California Fire Code is hereby deleted:

Title 19 of the California Code of Regulations – Public Safety - Section 3.25 (b) supersedes this section thereby making the carrying of hand-held candles illegal.

15.20.070 Pallets, palletized packing boxes and bin boxes

Section 315 of the California Fire Code is hereby amended to add the following:

A permit shall be required to store pallets, palletized packing boxes or bin boxes in excess of 30,000 board feet, in accordance with the following restrictions.

Pallets, palletized packing boxes and bin boxes shall be piled with due regard to stability of piles and in no case higher than 12 feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one half the pile height and in no case less than 5 feet from the property line.

Exception: Bin boxes may be stacked to a maximum height of 20 feet.

Driveways between and around pallets, bin boxes and palletized packing boxes shall be a minimum of 15 feet wide and maintained free from accumulations of rubbish, weeds, machinery or other articles that would block access or add to the fire hazard. Driveways shall be spaced so a maximum grid of storage is no more than 50 feet by 50 feet.

Pallets, palletized packing boxes, and bin boxes, operating under a permit, shall be enclosed by a suitable fence of at least 6 feet in height, unless storage is in a building.

An approved water supply and fire hydrants capable of supplying the required fire flow shall be provided within 150 feet of all portions of the storage areas in accordance with Section 508, California Fire Code and Lodi Municipal Code 15.20.370.

For permitting purposes one pallet will be calculated as having 25 board feet and palletized packing boxes and bin boxes will be calculated based on average board feet per box.

15.20.080 Dimensions.

Section 503.2.1 of the California Fire Code is hereby amended to read as follows:

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, except for approved security gates in accordance with Section 503.6 of the California Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches.

15.20.090 Surface.

Section 503.2.3 of the California Fire Code is hereby amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs and fire lanes.

15.20.100 Premise Identification

Section 505.1 of the California Fire Code is hereby amended to read as follows:

A. Address numbers.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.

The approved minimum size dimensions of the numbers shall be as specified by Table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape and architectural appendages, or other obstructions,

address posting shall be required both at the street driveway serving such building and on the building.

Table 1	
Distance to Building address measured from back of walk.	Size Height
25 Feet	4 inches
26-40 Feet	6 inches
41-55 Feet	9 inches
Over 55 Feet	12 inches

B. Address numbers – rear.

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way or parking lot, shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Code Official.

C. Address Numbers – multiple dwelling units.

An approved diagram of the premises which clearly indicates all individual addresses of each unit in the complex shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Code Official.

In addition, the Fire Code Official may require that individual buildings on the premises be identified in an approved manner.

D. Premises identification - multiple buildings.

An approved identification of multiple buildings within an industrial complex shall be required which clearly indicates each individual building in the complex. Identification shall be placed on each building in a size and location, when required by the Fire Code Official, and be visible for responding emergency personnel in an approved manner.

E. Address numbers - illumination.

Addressing shall be illuminated at night in all new buildings. Signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

15.20.110 Hazardous materials management plan box

Section 506.3 of the California Fire Code is hereby amended to add the following:

When a business which handles hazardous materials is required to complete a Hazardous Materials Management Plan (HMMP), the Fire Code Official may require the installation of a secured box at the primary facility entrance or the fire control room which contains a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding the document in a rolled condition without folding. Other characteristics of the box shall be approved by the Fire Code Official.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

15.20.120 Public safety radio building amplification system.

Chapter 5 (Fire Service Features) of the California Fire Code is hereby amended to add the following:

A. Requirement for approved emergency responder radio coverage in buildings.

All buildings shall have approved indoor radio coverage for emergency responders. Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than 20 percent to, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for the City of Lodi radio communications system. Determining the existence of approved radio coverage and the correction of any deficiencies shall be the responsibility of the building owner. Existing buildings, buildings of one or two single family dwellings, or those below minimum areas as determined by the fire code official may be exempted from this requirement by the Fire Code Official.

B. Approved Radio Coverage. Approved radio coverage shall conform to the current standards of the Lodi Fire Department. These standards shall define the acceptable indoor signal levels to provide 90% reliability of the Lodi Public Safety Radio System inside structures. The fire code official may determine exceptions and additions to these standards as required to protect the integrity of the public safety radio system and provide acceptable signal levels in structures critical to public health and safety.

C. Indoor Public Safety Radio Enhancement Systems. If required by this code, any indoor public safety radio enhancement system must comply with current standards set by the Lodi Fire Department, and the regulations of the Federal Communications Commission. Systems shall be inspected, maintained, and modified as necessary to provide approved emergency responder radio coverage. If changes in FCC regulations or modifications to the Lodi Public Safety Radio System require modifications to a public

safety radio enhancement system, the building owner shall make necessary changes to conform to the existing standard.

15.20.130 Gas Meters - Gas service identification

Section 603.9 of the California Fire Code is hereby amended to add the following:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections shall have individual gas shutoffs identified in a manner approved by the Fire Chief indicating areas or units served.

15.20.140 Electrical disconnect

Section 605 of the California Fire Code is hereby amended to add the following:

All buildings constructed after July 1, 2005, shall have main electrical shut off accessible to the exterior of the structure. This may be accomplished by placing the shut off on the building exterior, an electrical room with a door leading directly to the exterior or a remote electrical (shunt) switch on the building exterior. Breakaway locks are allowable for security.

15.20.150 System maintenance – fire protection equipment.

Section 901.7 of the California Fire Code is hereby amended to add the following:

All individuals or companies installing, repairing, testing, servicing or maintaining sprinkler systems, fire hydrant systems, standpipes, fire alarm systems, portable fire extinguishes, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be a fire protection contractor or contractor licensed for said work by the State of California or have the appropriate license required by the California State Fire Marshal's Office or both.

The authority having jurisdiction shall be notified immediately when a fire protection or detection system or portion thereof is found inoperable.

The authority having jurisdiction shall be notified in writing within 72 hours by the person performing repairs, testing, or maintenance when a fire protection or detection system is not in compliance with applicable codes.

When changes involve shutting off water for a considerable number of sprinklers for more than 4 hours, temporary water supply connections shall be made to sprinkler systems so that reasonable protection can be maintained. Protection shall be restored

each night in so far as possible. The Fire Code Official may require a fire watch while any system is inoperative.

When shorts, failures or other interruptions of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station or is a local alarm only, the Fire Code Official may require the system to be disconnected or shunt out the private fire alarm system and/or circuit. When shorts, failures, or other interruption of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station, the Fire Code Official may require the system to be repaired and written notification to be provided to the Fire Code Official before he or she responds to alarms generated by the system.

Where alarm system(s) are wholly or partially out of service for more than 8 hours, the alarm company having responsibility shall notify the fire dispatch center.

15.20.160 Automatic fire extinguishing systems

Section 903 of the California Fire Code is hereby amended to add the following:

In addition to the requirements specified in Section 903 of the California Fire Code, an automatic sprinkler system shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following building:

- (1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.
- (2) Every building hereafter constructed of three or more stories as defined in the Uniform Building Code.
- (3) Every building hereafter in which the square footage existing as of September 1, 1997 is increased by 50% and the total square footage of the building exceeds 6,000 square feet.

Exception:

1. **Group R, Division 3** occupancies.

15.20.170 Sprinkler coverage identification

Section 903 of the California Fire Code is hereby amended to add the following:

When required by the Fire Code Official, approved signs shall identify the building(s) or portions of building(s) served by a fire department connection and/or riser.

15.20.180 Fire control room

Section 903 of the California Fire Code is hereby amended to add the following:

An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Existing buildings installing automatic fire extinguishing system shall have a fire control room added unless approved by the Fire Code Official or his/her designee for good cause. Fire control room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Fire Code Official. Fire control rooms shall be located within the building at a location approved by the Fire Code Official, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

EXCEPTION: Group R, Division 3 occupancies.

15.20.190 Fire alarm certification

Section 907.15 of the California Fire Code is hereby amended to add the following:

The permittee shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and meets National Fire Protection Association Standards. Certification shall be required for all new systems to be installed after July 1, 2003. All existing systems must obtain certification in a timely manner, as approved by the Fire Code Official. A copy of the certification shall be provided to the Fire Code Official at no cost.

15.20.200 Open burning - construction sites.

Section 1404.3 of the California Fire Code is hereby amended to add the following:

No fire shall be permitted to burn on any construction site for any purpose. This section is not intended to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

15.20.210 Inside tire storage

Chapter 25 (Tire Rebuilding and Tire Storage) of the California Fire Code is hereby amended to add the following:

Inside tire storage shall be in accordance with the following requirements.

Tires stored on side walls shall not be higher than six feet. Tires stored in a lace pattern shall not be higher than 5 feet. A minimum of 3 feet of clearance from tire storage racks shall be maintained in all directions to roof structure, sprinkler deflectors, unit heaters, supply and return air duct registers, lighting fixtures, electrical outlets or any other producing device. On-tread storage piles, regardless of storage needs, shall not exceed 25 feet in the direction of the wheel holes. On-floor, on-tread storage shall not exceed 5 feet in height. The width of the main aisles between piles shall not be less than 8 feet. Any aisle other than the main aisles shall not be less than 4 feet in width.

Definitions:

On-side storage: Tires stored horizontally or flat.

On-tread storage: Tires stored vertically or on their treads.

Laced storage: Tires stored where the sides of the tires overlap, creating a woven or laced appearance.

15.20.220 Seizure of fireworks

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The Fire Code Official is authorized to seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of local, state, or federal regulations.

15.20.230 Limits explosive and blasting agents.

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The storage of explosives and blasting agents is prohibited within the City limits, except in areas zoned **M-2** as such zone is defined in the zoning regulations of the City.

15.20.240 Manufacturing of fireworks

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

15.20.250 **Locations where aboveground tanks are prohibited – Class I & II liquids**

Section 3404.2.9.5.1 of the California Fire Code is hereby amended to read as follows:

Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits of the City of Lodi except areas zoned **IP, M-1 and M-2** as such zones are defined in the zoning regulations of the City of Lodi.

15.20.260 **Contract inspector**

Appendix Chapter 1 - Section 104.7 of the California Fire Code is hereby amended to add the following:

The Fire Code Official may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector (“Contract Inspector”), when the department requires technical expertise for assistance to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Fire Code Official, for inspection of a particular type of construction, operation, fire extinguishing or detection system or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

1. The Contract Inspector shall observe the work assigned for conformance with the approved design drawing and specifications.
2. The Contract Inspector shall furnish inspection reports to the Fire Code Official, Building Official and other designated persons as required by the Fire Code Official. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Fire Code Official, and to the building official.
3. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

15.20.270 **Fire investigators**

Appendix Chapter 1 - Section 104.10 of the California Fire Code is hereby amended to add the following:

All sworn members assigned to the Fire Prevention Bureau or Fire Investigation Unit are hereby assigned as Fire Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to fire and arson investigations.

15.20.280 Permit fees

Appendix Chapter 1 - Section 1045.1.1 of the California Fire Code is hereby amended to add the following:

The fee for each permit shall be as set forth from time to time by resolution of the Lodi City Council. The City may establish fees sufficient to recover its costs in administering this Code. No permit shall be issued until such fees have been paid, and administrative citations may be issued to persons violating this Code by the persons allowed to issue citations **as stated in Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions.**

15.20.290 Inspection authorized

Appendix Chapter 1 - Section 105.2.2 of the California Fire Code is hereby amended to read as follows:

Before a new operational permit is approved, the Fire Code Official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this Code or any operational constraints required. **Instances where laws or regulations are enforced by departments other than the fire department, joint approval shall be obtained from all departments concerned.**

No final inspection under this Code, as to all or any portion of the development, shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by this Code have been completed and the final approval thereof, by the Fire Department, has been given as provided herein and all plan reviews and inspection fees paid.

15.20.300 Revocation

Appendix Chapter 1 - Section 105.5 of the California Fire Code is hereby amended to add the following:

The Fire Code Official further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of this Code for any of the following reasons:

- (a) When deemed necessary for the protection of life, limb, or property; or

- (b) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.310 Permits required

Appendix Chapter 1 - Section 105.6 of the California Fire Code is hereby amended to add the following:

Christmas Tree Lots. A permit issued by the Fire Code Official is required to operate a Christmas Tree Lot with or without flame proofing services.

Haunted Houses. A permit issued by the Fire Code Official is required to operate a temporary or permanent haunted house.

Special Events. A permit issued by the Fire Code Official is required to conduct a special event that is not otherwise listed in this Code and in the opinion of the Fire Code Official or his or her designee poses a fire or life safety concern to the public.

15.20.320 Administrative costs - inspections.

Appendix Chapter 1 - Section 106.2 of the California Fire Code is hereby amended to add the following:

When a test or inspection is scheduled and the contractor fails to perform to the satisfaction of the authority having jurisdiction, the authority having jurisdiction may bill the contractor for actual time spent traveling to and from the test/inspection location and the time spent at the test/inspection site as well as administrative costs.

15.20.330 Administrative enforcement provisions

Appendix Chapter 1 - Section 109.2 and 109.3 of the California Fire Code is hereby amended to read as follows:

Notices of violation, citation or penalties shall comply with Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions with the following terminology changes or deletions wherever stated in Chapter 1.10.

- (a) Whenever the word “Community Improvement Officer” is used, it shall mean the Fire Code Official.
- (b) Whenever the word “Department of Public Safety” is used, it shall mean the Lodi Fire Department.
- (c) Whenever the word “Community Development Director” or “Director” is used, it shall mean the Fire Chief or his designee.

- (d) Whenever the word “Uniform Codes” is used, it shall mean the International Codes.
- (e) Section 1.11.260E is not applicable to the provisions of this chapter, (Community Awareness and Responsibility Education Classes) as it pertains to residential dwellings.

15.20.340 Abatement of hazard by fire code official

Appendix Chapter 1 - Section 109 of the California Fire Code is hereby amended to add the following:

If any person fails to comply with the orders of the Fire Code Official, or if the Fire Code Official is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the Fire Code Official or his or her authorized representative may take such steps as are necessary to abate the hazard for the protection of the public health and safety. No event notice is necessary before abatement, when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

15.20.350 Structural fires.

Appendix Chapter 1 - Section 110 of the California Fire Code is hereby amended to add the following:

The Chief Officer at the scene shall attempt to notify all occupants or owners of structures, which have suffered damage by fire, that such structures or buildings must be inspected before any repairs thereof are made. A permit covering the structural, electrical and plumbing repairs shall be obtained from the City of Lodi Community Development Department. The Chief Officer shall report all such structural fires to the Chief Building Official or his/her designee within twenty-four hours after the occurrence of such fire.

15.20.360 Failure to comply

Appendix Chapter 1 - Section 111.4 of the California Fire Code is hereby amended to add the following:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than that stated in Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions.

15.20.370 Distribution of fire hydrants

Appendix C - Section C105.1 of the California Fire Code is hereby amended to read as follows:

Private fire hydrants and public off site fire hydrants shall be spaced with the maximum distances as specified by Table 2.

Table 2	
Zoning Type	Maximum Spacing
Commercial, high density, industrial or high-value	300 feet
Low Density Residential	500 feet
Residential Reverse Frontage	1000 feet

Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:

1. Streets have median center dividers that make access to hydrants difficult, cause time delays, or create undue hazard or both.
2. On major arterials when there is more than four lanes of traffic
3. Width of street in excess of 88 feet
4. The existing street being widened or having a raised median center divider in the future pursuant to the General Plan Roadway Improvements Plans for the City of Lodi.

15.20.380 Changes or modifications

In accordance with Health and Safety Code Section 17958.5, the adoption of amendments more restrictive than the requirements contained in the provisions published in the California Building Standard Code, are needed because of local conditions, as specified below:

(A) Climatic

(1) Conditions

Precipitation averages 18 inches per year, and can reach as high as 35 inches per year. Virtually all of the rain occurs during the months of October through April. The remaining months receive little or no rain. Temperatures during the summer months can reach as high as 110 and City of Lodi averages 19 days over 100 each year. Relative humidity during these summer months is very low. Lodi averages 34 days of dense fog per year, and has had as many as 64 foggy days.

(2) Impacts

The generally dry, hot summer months create extreme fire conditions. Adding to this situation is the dryness and combustibility of many structures during the summer, especially true of structures with wood siding and roofs constructed of wood shakes and shingles. The cyclical uncertainty that allow weather events can cause rapid melting of the snow pack which causes flood potential in areas surrounding the Mokelumne River. The foggy conditions can inhibit the dispatch and timeliness of emergency equipment reaching the site of a fire. During foggy periods it is common place for visibility to be near zero, which results in emergency equipment having to decrease their speed to less than 25 miles per hour.

(B) Geographic

(1) Conditions

The City of Lodi is subject to ground tremors from seismic events as the County is in seismic Zone 3. The Mokelumne River, which borders the northern city limits, is subjected to flood potential and its levies are subject to failure from seismic activity or high water.

(2) Impacts

The geologic conditions in San Joaquin County in general, and the City of Lodi, in particular, have the potential of restricting access to structures, especially in remote or isolated areas. A moderate earthquake or extended periods of rain can impact local access roads.

(C) Topographic

(1) Conditions

The City of Lodi consists mainly of the San Joaquin Valley floor. The valley floor is typically flat land area bisected by intermittent and year round stream and river systems. Much of the valley floor is irrigated agriculture. Low land areas protected by a complex and extensive levee system characterize the Delta area. Union Pacific Railroad Tracks bisect the eastern and western portions of Lodi as well as Highway 99 creating traffic congestion and emergency response delays.

(2) Impacts

The valley floor is frequently subject to both general and localized flooding. Because the area is so flat and low, it is not unusual for local drainage systems to be inadequate during heavy rain periods. This condition can isolate areas where roads are flooded and

thereby block access. With the OSHA “two-in two-out” rule requiring two fire fighters ready to make attack only when two others are present, the potential delay in east-west response increases the risk to firefighter and the public.

While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property and protection of the environment.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as such conflict may exist

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Lodi hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the City Clerk is hereby ordered and directed to cause this ordinance to be published. This ordinance shall be published one time in “Lodi News Sentinel,” a newspaper of general circulation printed and published in the City of Lodi.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect effective January 1, 2008, a date which is at least thirty (30) days after the passage of this ordinance.

Approved this [redacted] day of [redacted], 2007

Bob Johnson
Mayor

Attest:

Randi Johl
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. [REDACTED] was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 2007, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held [REDACTED], by the following vote:

Ayes: Council Members –

Noes: Council Members –

Absent: Council Members –

Abstain: Council Members –

I further certify that Ordinance No. [REDACTED] was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Randi Johl
City Clerk

Approved as to form

Janice D. Magdich
Deputy City Attorney

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.20 OF TITLE 15 OF THE CITY OF LODI MUNICIPAL CODE REGULATING AND GOVERNING FIRE PREVENTION AND ADOPTING BY REFERENCE A CERTAIN CODE KNOWN AS THE "CALIFORNIA FIRE CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS, PART 9", INCORPORATING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE AND THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE STANDARDS, AS ADOPTED AND COMPILED BY THE INTERNATIONAL CODE COUNCIL.

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

Section 1. That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Lodi, being marked and designated as the California Fire Code, 2007 edition, including Chapters 3, 5 and 25 and Appendix Chapters 1, D, E, F and G, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Lodi, in the State of California, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the City Clerks office of the City of Lodi are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. There is hereby adopted new Sections 15.20.010 through 15.20.380 of the Municipal Code of the City of Lodi to read in full as follows:

**CHAPTER 15.20
FIRE CODE**

Section:

15.20.010	Adoption
15.20.020	Enforcement
15.20.030	Definitions
15.20.040	Findings and filings
15.20.050	Open burning
15.20.060	Religious ceremonies
15.20.070	Pallets, palletized packing boxes and bin boxes
15.20.080	Dimensions – Fire Lanes
15.20.090	Surfaces – Fire Lanes
15.20.100	Premises Identification
15.20.110	Hazardous materials management plan box
15.20.120	Public safety radio building amplification system
15.20.130	Gas Meters - Gas service identification
15.20.140	Electrical disconnect
15.20.150	System maintenance – fire protection equipment
15.20.160	Automatic fire extinguishing systems
15.20.170	Sprinkler coverage identification
15.20.180	Fire control room
15.20.190	Fire alarm certification
15.20.200	Opening burning - construction sites
15.20.210	Inside tire storage

15.20.220	Seizure of fireworks
15.20.230	Limits explosive and blasting agents
15.20.240	Manufacturing of fireworks
15.20.250	Locations where aboveground tanks are prohibited – Class I & II liquids
15.20.260	Contract inspector
15.20.270	Fire investigators
15.20.280	Permit fees
15.20.290	Inspection authorized
15.20.300	Revocation
15.20.310	Permits required
15.20.320	Administrative costs - Inspections
15.20.330	Administrative enforcement provisions
15.20.340	Abatement of hazard by fire code official
15.20.350	Structural fires.
15.20.360	Failure to comply
15.20.370	Distribution of fire hydrants
15.20.380	Changes or modifications

15.20.010 Adoption

The provisions set forth in that portion of the State Building Standards Code that impose substantially the same requirements as are contained in the International Fire Code, 2006 Edition published by the International Code Council, Inc. and California Building Standards Commission with errata, together with those portions of the International Fire Code, 2006 Edition, including Appendixes, The International Fire Code Standards, 2006 Edition, as amended by the International Fire Code Standards, 2006 Edition, published by the International Code Council, Inc., not included in the State Building Standards Code, as modified and amended by this Chapter, are adopted as the Fire Code of the City of Lodi. The Fire Code of the City shall apply in all matters pertaining to storage, handling and use of hazardous substances, materials and devices; and to conditions hazardous to life and property in the use or premises within the City.

15.20.020 Enforcement

Peace officers and persons employed in such positions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violation of this Chapter. The following designated employee positions may enforce the provisions of this Chapter by issuance of citations. The designated employee positions are: the City Manager or his or her duly authorized representative, the Fire Chief, the Fire Marshal, Fire Inspectors and all sworn members of the fire department

15.20.030 Definitions

- a) Whenever the words "International Fire Code" is used in this Chapter, it shall mean the California Fire Code, Title 24, California Code of Regulations, Part 9, incorporating the 2006 Edition of the International Fire Code.
- b) Whenever the word "municipality" is used in the International Fire Code, it shall mean the City of Lodi.

- c) Whenever the words “Chief” or “Fire Code Official” is used in the International Fire Code, they shall mean the Fire Chief or his/her designated representative.

15.20.040 Findings and filings

The findings of facts in accordance with Health and Safety Code Section 17958.5 are filed separately with the California Building Standards Commission and Lodi City Clerk’s Office.

15.20.050 Open burning

Section 307.1 of the California Fire Code is hereby amended to read as follows:

A person shall not kindle or authorize to be kindled or maintain any outdoor burning within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Code Official for the following purposes:

- a. The prevention of a fire hazard that cannot be evaded by any other means.
- b. The instruction of public employees in the methods of fighting fire.
- c. The instruction of employees in the methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.
- d. The setting of backfires necessary to save life or valuable property pursuant to section 4462 of the Public Resource Code.
- e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.
- f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Code Official, provided that the combustible is clear dry wood or charcoal. Approval shall be in accordance with Section 307.1.1 – 307.5 of the California Fire Code.

15.20.060 Religious ceremonies

Section 308.3.5 of the California Fire Code is hereby deleted:

Title 19 of the California Code of Regulations – Public Safety - Section 3.25 (b) supersedes this section thereby making the carrying of hand-held candles illegal.

15.20.070 Pallets, palletized packing boxes and bin boxes

Section 315 of the California Fire Code is hereby amended to add the following:

A permit shall be required to store pallets, palletized packing boxes or bin boxes in excess of 30,000 board feet, in accordance with the following restrictions.

Pallets, palletized packing boxes and bin boxes shall be piled with due regard to stability of piles and in no case higher than 12 feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one half the pile height and in no case less than 5 feet from the property line.

Exception: Bin boxes may be stacked to a maximum height of 20 feet.

Driveways between and around pallets, bin boxes and palletized packing boxes shall be a minimum of 15 feet wide and maintained free from accumulations of rubbish, weeds, machinery or other articles that would block access or add to the fire hazard. Driveways shall be spaced so a maximum grid of storage is no more than 50 feet by 50 feet.

Pallets, palletized packing boxes, and bin boxes, operating under a permit, shall be enclosed by a suitable fence of at least 6 feet in height, unless storage is in a building.

An approved water supply and fire hydrants capable of supplying the required fire flow shall be provided within 150 feet of all portions of the storage areas in accordance with Section 508, California Fire Code and Lodi Municipal Code 15.20.370.

For permitting purposes one pallet will be calculated as having 25 board feet and palletized packing boxes and bin boxes will be calculated based on average board feet per box.

15.20.080 Dimensions – fire lanes

Section 503.2.1 of the California Fire Code is hereby amended to read as follows:

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, except for approved security gates in accordance with Section 503.6 of the California Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches.

15.20.090 Surface – fire lanes

Section 503.2.3 of the California Fire Code is hereby amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs and fire lanes.

15.20.100 Premises Identification

Section 505.1 of the California Fire Code is hereby amended to read as follows:

A. Address Numbers.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.

The approved minimum size dimensions of the numbers shall be as specified by Table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape and architectural appendages, or other obstructions, address posting shall be required both at the street driveway serving such building and on the building.

Table 1	
Distance to Building address measured from back of walk.	Size Height
25 Feet	4 inches
26-40 Feet	6 inches
41-55 Feet	9 inches
Over 55 Feet	12 inches

B. Address numbers – rear.

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way or parking lot, shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Code Official.

C. Address numbers - multiple dwelling units.

An approved diagram of the premises which clearly indicates all individual addresses of each unit in the complex shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Code Official.

In addition, the Fire Code Official may require that individual buildings on the premises be identified in an approved manner.

D. Premises identification-multiple buildings.

An approved identification of multiple buildings within an industrial complex shall be required which clearly indicates each individual building in the complex. Identification shall be placed on each building in a size and location,

when required by the Fire Code Official, and be visible for responding emergency personnel in an approved manner.

E. Address numbers - illumination.

Addressing shall be illuminated at night in all new buildings. Signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

15.20.110 Hazardous materials management plan box

Section 506.3 of the California Fire Code is hereby amended to add the following:

When a business which handles hazardous materials is required to complete a Hazardous Materials Management Plan (HMMP), the Fire Code Official may require the installation of a secured box at the primary facility entrance or the fire control room which contains a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding the document in a rolled condition without folding. Other characteristics of the box shall be approved by the Fire Code Official.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

15.20.120 Public safety radio building amplification system.

Chapter 5 (Fire Service Features) of the California Fire Code is hereby amended to add the following:

A. Requirement for approved emergency responder radio coverage in buildings.

All buildings shall have approved indoor radio coverage for emergency responders. Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than 20 percent to, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for the City of Lodi radio communications system. Determining the existence of approved radio coverage and the correction of any deficiencies shall be the responsibility of the building owner. Existing buildings, buildings of one or two single family dwellings, or those below minimum areas as determined by the fire code official may be exempted from this requirement by the Fire Code Official.

B. Approved Radio Coverage.

Approved radio coverage shall conform to the current standards of the Lodi Fire Department. These standards shall define the acceptable indoor signal levels to provide 90% reliability of the Lodi Public Safety Radio System inside structures. The fire code official may determine exceptions and additions to these standards as required to protect the integrity of the public safety radio system and provide acceptable signal levels in structures critical to public health and safety.

C. Indoor Public Safety Radio Enhancement Systems.

If required by this code, any indoor public safety radio enhancement system must comply with current standards set by the Lodi Fire Department, and the regulations of the Federal Communications Commission. Systems shall be inspected, maintained, and modified as necessary to provide approved emergency responder radio coverage. If changes in FCC regulations or modifications to the Lodi Public Safety Radio System require modifications to a public safety radio enhancement system, the building owner shall make necessary changes to conform to the existing standard.

15.20.130 Gas Meters - Gas service identification

Section 603.9 of the California Fire Code is hereby amended to add the following:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections shall have individual gas shutoffs identified in a manner approved by the Fire Chief indicating areas or units served.

15.20.140 Electrical disconnect

Section 605 of the California Fire Code is hereby amended to add the following:

All buildings constructed after July 1, 2005, shall have main electrical shut off accessible to the exterior of the structure. This may be accomplished by placing the shut off on the building exterior, an electrical room with a door leading directly to the exterior or a remote electrical (shunt) switch on the building exterior. Breakaway locks are allowable for security.

15.20.150 System maintenance – fire protection equipment.

Section 901.7 of the California Fire Code is hereby amended to add the following:

All individuals or companies installing, repairing, testing, servicing or maintaining sprinkler systems, fire hydrant systems, standpipes, fire alarm systems, portable fire extinguishes, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be a fire protection contractor or contractor licensed for said work by the State of California or have the appropriate license required by the California State Fire Marshal's Office or both.

The authority having jurisdiction shall be notified immediately when a fire protection or detection system or portion thereof is found inoperable.

The authority having jurisdiction shall be notified in writing within 72 hours by the person performing repairs, testing, or maintenance when a fire protection or detection system is not in compliance with applicable codes.

When changes involve shutting off water for a considerable number of sprinklers for more than 4 hours, temporary water supply connections shall be made to sprinkler systems so that reasonable protection can be maintained. Protection shall be restored

each night in so far as possible. The Fire Code Official may require a fire watch while any system is inoperative.

When shorts, failures or other interruptions of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station or is a local alarm only, the Fire Code Official may require the system to be disconnected or shunt out the private fire alarm system and/or circuit. When shorts, failures, or other interruption of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station, the Fire Code Official may require the system to be repaired and written notification to be provided to the Fire Code Official before he or she responds to alarms generated by the system.

Where alarm system(s) are wholly or partially out of service for more than 8 hours, the alarm company having responsibility shall notify the fire dispatch center.

15.20.160 Automatic fire extinguishing systems

Section 903 of the California Fire Code is hereby amended to add the following:

In addition to the requirements specified in Section 903 of the California Fire Code, an automatic sprinkler system shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following buildings:

- (1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.
- (2) Every building hereafter constructed of three or more stories as defined in the Uniform Building Code.
- (3) Every building hereafter in which the square footage existing as of September 1, 1997 is increased by 50% and the total square footage of the building exceeds 6,000 square feet.

Exception:

1. Group R, Division 3 occupancies.

15.20.170 Sprinkler coverage identification

Section 903 of the California Fire Code is hereby amended to add the following:

When required by the Fire Code Official, approved signs shall identify the building(s) or portions of building(s) served by a fire department connection and/or riser.

15.20.180 Fire control room

Section 903 of the California Fire Code is hereby amended to add the following:

An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Existing buildings installing automatic fire

extinguishing system shall have a fire control room added unless approved by the Fire Code Official or his/her designee for good cause. Fire control room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Fire Code Official. Fire control rooms shall be located within the building at a location approved by the Fire Code Official, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

EXCEPTION: Group R, Division 3 occupancies.

15.20.190 Fire alarm certification

Section 907.15 of the California Fire Code is hereby amended to add the following:

The permittee shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and meets National Fire Protection Association Standards. Certification shall be required for all new systems to be installed after July 1, 2003. All existing systems must obtain certification in a timely manner, as approved by the Fire Code Official. A copy of the certification shall be provided to the Fire Code Official at no cost.

15.20.200 Open burning - construction sites.

Section 1404.3 of the California Fire Code is hereby amended to add the following:

No fire shall be permitted to burn on any construction site for any purpose. This section is not intended to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

15.20.210 Inside tire storage

Chapter 25 (Tire Rebuilding and Tire Storage) of the California Fire Code is hereby amended to add the following:

Inside tire storage shall be in accordance with the following requirements.

Tires stored on side walls shall not be higher than six feet. Tires stored in a lace pattern shall not be higher than 5 feet. A minimum of 3 feet of clearance from tire storage racks shall be maintained in all directions to roof structure, sprinkler deflectors, unit heaters, supply and return air duct registers, lighting fixtures, electrical outlets or any other producing device. On-tread storage piles, regardless of storage needs, shall not exceed 25 feet in the direction of the wheel holes. On-floor, on-tread storage shall not exceed 5 feet in height. The width of the main aisles between piles shall not be less than 8 feet. Any aisle other than the main aisles shall not be less than 4 feet in width.

Definitions:

On-side storage: Tires stored horizontally or flat.

On-tread storage: Tires stored vertically or on their treads.

Laced storage: Tires stored where the sides of the tires overlap, creating a woven or laced appearance.

15.20.220 Seizure of fireworks

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The Fire Code Official is authorized to seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of local, state, or federal regulations.

15.20.230 Limits explosive and blasting agents.

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The storage of explosives and blasting agents is prohibited within the City limits, except in areas zoned **M-2** as such zone is defined in the zoning regulations of the City.

15.20.240 Manufacturing of fireworks

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

15.20.250 Locations where aboveground tanks are prohibited – Class I & II liquids

Section 3404.2.9.5.1 of the California Fire Code is hereby amended to read as follows:

Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits of the City of Lodi, except areas zoned **IP, M-1 and M-2** as such zones are defined in the zoning regulations of the City of Lodi.

15.20.260 Contract inspector

Appendix Chapter 1 – Section 104.7 of the California Fire Code is hereby amended to add the following:

The Fire Code Official may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector ("Contract Inspector"), when the department requires technical expertise for assistance to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Fire Code Official, for inspection of a particular type of construction, operation, fire extinguishing or detection system or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

1. The Contract Inspector shall observe the work assigned for conformance with the approved design drawing and specifications.
2. The Contract Inspector shall furnish inspection reports to the Fire Code Official, Building Official and other designated persons as required by the Fire Code Official. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Fire Code Official, and to the building official.
3. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

15.20.270 Fire investigators

Appendix Chapter 1 – Section 104.10 of the California Fire Code is hereby amended to add the following:

All sworn members assigned to the Fire Prevention Bureau or Fire Investigation Unit are hereby assigned as Fire Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to fire and arson investigations.

15.20.280 Permit fees

Appendix Chapter 1 – Section 105.1.1 of the California Fire Code is hereby amended to add the following:

The fee for each permit shall be as set forth from time to time by resolution of the Lodi City Council. The City may establish fees sufficient to recover its costs in administering this Code. No permit shall be issued until such fees have been paid, and administrative citations may be issued to persons violating this Code by the persons allowed to issue citations as stated in Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions.

15.20.290 Inspection authorized

Appendix Chapter 1 – Section 105.2.2 of the California Fire Code is hereby amended to read as follows:

Before a new operational permit is approved, the Fire Code Official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this Code or any operational constraints required. Instances where laws or regulations are enforced by departments other than the fire department, joint approval shall be obtained from all departments concerned.

No final inspection under this Code, as to all or any portion of the development, shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by this Code have been completed and the final approval thereof, by the Fire Department, has been given as provided herein and all plan reviews and inspection fees paid.

15.20.300 Revocation

Appendix Chapter 1 – Section 105.5 of the California Fire Code is hereby amended to add the following:

The Fire Code Official further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of this Code for any of the following reasons:

- (a) When deemed necessary for the protection of life, limb, or property; or
- (b) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.310 Permits required

Appendix Chapter 1 – Section 105.6 of the California Fire Code is hereby amended to add the following:

Christmas Tree Lots. A permit issued by the Fire Code Official is required to operate a Christmas Tree Lot with or without flame proofing services.

Haunted Houses. A permit issued by the Fire Code Official is required to operate a temporary or permanent haunted house.

Special Events. A permit issued by the Fire Code Official is required to conduct a special event that is not otherwise listed in this Code and in the opinion of the Fire Code Official or his or her designee poses a fire or life safety concern to the public.

15.20.320 Administrative costs - Inspections.

Appendix Chapter 1 – Section 106.2 of the California Fire Code is hereby amended to add the following:

When a test or inspection is scheduled and the contractor fails to perform to the satisfaction of the authority having jurisdiction, the authority having jurisdiction may bill the contractor for actual time spent traveling to and from the test/inspection location and the time spent at the test/inspection site as well as administrative costs.

15.20.330 Administrative enforcement provisions

Appendix Chapter 1 – Section 109.2 and 109.3 of the California Fire Code is hereby amended to read as follows:

Notices of violation, citation or penalties shall comply with Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions with the following terminology changes or deletions wherever stated in Chapter 1.10.

- (a) Whenever the word “Community Improvement Officer” is used, it shall mean the Fire Code Official.
- (b) Whenever the word “Department of Public Safety” is used, it shall mean the Lodi Fire Department.
- (c) Whenever the word “Community Development Director” or “Director” is used, it shall mean the Fire Chief or his designee.
- (d) Whenever the word “Uniform Codes” is used, it shall mean the International Codes.
- (e) Section 1.11.260E is not applicable to the provisions of this chapter, (Community Awareness and Responsibility Education Classes) as it pertains to residential dwellings.

15.20.340 Abatement of hazard by fire code official

Appendix Chapter 1 – Section 109 of the California Fire Code is hereby amended to add the following:

If any person fails to comply with the orders of the Fire Code Official, or if the Fire Code Official is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the Fire Code Official or his or her authorized representative may take such steps as are necessary to abate the hazard for the protection of the public health and safety. No event notice is necessary before abatement, when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

15.20.350 Structural fires.

Appendix Chapter 1 – Section 110 of the California Fire Code is hereby amended to add the following:

The Chief Officer at the scene shall attempt to notify all occupants or owners of structures, which have suffered damage by fire, that such structures or buildings must be inspected before any repairs thereof are made. A permit covering the structural, electrical and plumbing repairs shall be obtained from the City of Lodi Community Development Department. The Chief Officer shall report all such structural fires to the Chief Building Official or his/her designee within twenty-four hours after the occurrence of such fire.

15.20.360 Failure to comply

Appendix Chapter 1 – Section 111.4 of the California Fire Code is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than that stated in Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions.

**15.20.370 Appendix C - Section C105.1
amended – Distribution of fire hydrants**

Appendix C – Section C105.1 of the California Fire Code is hereby amended to read as follows:

Private fire hydrants and public off site fire hydrants shall be spaced with the maximum distances as specified by Table 2.

Table 2	
Zoning Type	Maximum Spacing
Commercial, high density, industrial or high-value	300 feet
Low Density Residential	500 feet
Residential Reverse Frontage	1000 feet

Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:

1. Streets have median center dividers that make access to hydrants difficult, cause time delays, or create undue hazard or both.
2. On major arterials when there is more than four lanes of traffic.
3. Width of street in excess of 88 feet.
4. The existing street being widened or having a raised median center divider in the future pursuant to the General Plan Roadway Improvements Plans for the City of Lodi.

15.20.380 Changes or modifications

In accordance with Health and Safety Code Section 17958.5, the adoption of amendments more restrictive than the requirements contained in the provisions published in the California Building Standard Code, are needed because of local conditions, as specified below:

(A) Climatic

(1) Conditions

Precipitation averages 18 inches per year, and can reach as high as 35 inches per year. Virtually all of the rain occurs during the months of October through April. The remaining months receive little or no rain. Temperatures during the summer months can reach as high as 110 and City of Lodi averages 19 days over 100 each year. Relative humidity during these summer months is very low. Lodi averages 34 days of dense fog per year, and has had as many as 64 foggy days.

(2) Impacts

The generally dry, hot summer months create extreme fire conditions. Adding to this situation is the dryness and combustibility of many structures during the summer, especially true of structures with wood siding and roofs constructed of wood shakes and shingles. The cyclical uncertainty that allow weather events can cause rapid melting of the snow pack which causes flood potential in areas surrounding the Mokelumne River. The foggy conditions can inhibit the dispatch and timeliness of emergency equipment reaching the site of a fire. During foggy periods it is common place for visibility to be near zero, which results in emergency equipment having to decrease their speed to less than 25 miles per hour.

(B) Geographic

(1) Conditions

The City of Lodi is subject to ground tremors from seismic events as the County is in seismic Zone 3. The Mokelumne River, which borders the northern city limits, is subjected to flood potential and its levies are subject to failure from seismic activity or high water.

(2) Impacts

The geologic conditions in San Joaquin County in general, and the City of Lodi, in particular, have the potential of restricting access to structures, especially in remote or isolated areas. A moderate earthquake or extended periods of rain can impact local access roads.

(C) Topographic

(1) Conditions

The City of Lodi consists mainly of the San Joaquin Valley floor. The valley floor is typically flat land area bisected by intermittent and year round stream and river systems. Much of the valley floor is irrigated agriculture. Low land areas protected by a complex and extensive levee system characterize the Delta area. Union Pacific Railroad Tracks bisect the eastern and western portions of Lodi as well as Highway 99 creating traffic congestion and emergency response delays.

(2) Impacts

The valley floor is frequently subject to both general and localized flooding. Because the area is so flat and low, it is not unusual for local drainage systems to be inadequate during heavy rain periods. This condition can isolate areas where roads are flooded and thereby block access. With the OSHA "two-in two-out" rule requiring two fire fighters ready to make attack only when two others are present, the potential delay in east-west response increases the risk to firefighter and the public.

While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property and protection of the environment.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Lodi hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the City Clerk is hereby ordered and directed to cause this ordinance to be published. This ordinance shall be published one time in "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect January 1, 2008, a date which is at least thirty (30) days after passage of this ordinance.

Approved this _____ day of _____, 2007

Bob Johnson
Mayor

Attest:

Randi Johl
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held October 17, 2007, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, by the following vote:

Ayes: Council Members –

Noes: Council Members –

Absent: Council Members –

Abstain: Council Members –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Randi Johl
City Clerk

Approved as to form

Janice D. Magdich
Deputy City Attorney



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2007 CALIFORNIA BUILDING CODE, MECHANICAL CODE, ELECTRICAL CODE, PLUMBING CODE, AND FIRE CODE WITH LOCAL AMENDMENTS AND REVISE BUILDING PERMIT FEE SCHEDULE 1A, ALONG WITH FEE INCREASES FOR BUILDING, MECHANICAL, PLUMBING, AND ELECTRICAL PERMITS

PUBLISH DATE: SATURDAY, OCTOBER 6, 2007


LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, OCTOBER 4, 2007

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____(time) on _____(date) _____(pages)
Phoned to confirm receipt of all pages at _____(time) _____CH _____CM _____JMP (initials)



DECLARATION OF POSTING

**PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2007 CALIFORNIA
BUILDING CODE, MECHANICAL CODE, ELECTRICAL CODE, PLUMBING CODE,
AND FIRE CODE WITH LOCAL AMENDMENTS AND REVISE BUILDING PERMIT
FEE SCHEDULE 1A, ALONG WITH FEE INCREASES FOR BUILDING,
MECHANICAL, PLUMBING, AND ELECTRICAL PERMITS**

On Friday, October 5, 2007, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, and Fire Code with local amendments and revise Building Permit Fee Schedule 1A, along with fee increases for building, mechanical, plumbing, and electrical permits (attached and marked as Exhibit A), was posted at the following locations:

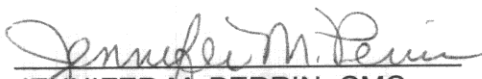
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 5, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: October 17, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, October 17, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider approval of the following item:

- a) **Adoption of the 2007 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, and Fire Code with local amendments and revise Building Permit Fee Schedule 1A, along with fee increases for building, mechanical, plumbing, and electrical permits.**

Information regarding the 2007 California Building Code, Mechanical Code, Electrical Code, and Plumbing Code may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. Information pertaining to the Fire Code may be obtained in the Fire Department, 25 E. Pine Street, (209) 333-6735. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: October 3, 2007

Approved as to form:

D. Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Hold Public Hearing and Approve Resolution to Confirm the 2007 Annual Report and Levy of Assessments Within the Lodi Tourism Business Improvement District (LTBID).

MEETING DATE: October 17, 2007

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Hold public hearing and approve resolution to confirm the 2007 Annual Report of the LTBID and the levy of assessments within the Lodi Tourism Business Improvement District.

BACKGROUND INFORMATION: In accordance with California Streets and Highway Code 36500 and 36524 the Annual Report of the LTBID has been approved by the City Council. A public hearing is required to hear protests and to receive testimony regarding the levy of and collection of a 3% Tourism Promotion Business Assessment against the receipts of motels and hotels within the LTBID. Staff recommends approval of the levy of the assessment.

FISCAL IMPACT: Not applicable

FUNDING: Not applicable

James R. Krueger, Deputy City Manager

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI CONFIRMING THE 2007 ANNUAL REPORT FOR THE
LODI TOURISM BUSINESS IMPROVEMENT DISTRICT AND
LEVY OF ASSESSMENT

=====

WHEREAS, the Lodi Tourism Business Improvement District was established October 20, 2004, by Council adoption of Ordinance No. 1753, and as amended by Ordinance 1756; and

WHEREAS, the Annual Report, as required by Streets and Highways Code §36500 et seq., has been submitted to the City Council by the Board of Directors of said Improvement District; and

WHEREAS, a public hearing was held as required by Streets and Highways Code §36524 on October 17, 2007, in the City Council Chambers at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or as soon thereafter as possible, to consider protests to the assessment levy.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

- 1) The required public hearing was duly held, at which time the public was allowed to present written or oral protests to the levy of assessment for Lodi Tourism Business Improvement District.
- 2) A majority protest as defined in the Streets and Highways Code §36525 was not made.
- 3) The 2007 Annual Report as submitted on October 3, 2007, by the Board of Directors of the Lodi Tourism Business Improvement District to the City Council is hereby confirmed as originally filed and attached hereto.
- 4) The confirmation of the report and adoption of this resolution constitutes the levy of the assessment as contained in the Annual Report for the calendar year 2007.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



April 10, 2007

Randi Johl
City Clerk
City of Lodi
221 W. Pine St.
Lodi, CA 95240

Dear Ms. Johl,

Attached is the 2007 Annual Report for the Lodi Tourism Business Improvement District (LTBID) which was established October 6, 2004 by City Ordinance 1753 and was amended February 16, 2005 by Resolution No. 2005-37.

Enclosed you will find a 2007 work plan, budget and method of assessment, as required by the California Streets and Highways Code #33650. Please note there are no suggested changes to the District at this time.

I plan to present the work plan at the April 18th City Council meeting. Please feel free to call me with any questions you may have.

Sincerely,

A handwritten signature in black ink, reading "Nancy Beckman". The signature is fluid and cursive, with a long horizontal line extending from the end.

Nancy Beckman
Executive Director

Lodi Conference & Visitors Bureau

2007 Work Plan

2007 Proposed Programmatic Changes

1. The LCVB newsletter is being replaced with a mid-year and annual report.
2. Quarterly direct mailers will no longer be sent to leisure consumers.
3. Ads in the Sacramento Visitor Guide, Diablo, and Sacramento Magazines will not be renewed and instead we propose to pick up an ad in the California Drives Guide to complement our annual ad in the California Travel Planner.
4. We have budgeted to work with a PR firm to get press for Lodi. We have deleted the budget for the media day and the press trips to balance out the expense of the PR firm.
5. We have added Taste of Lodi as a revenue generating event.
6. We have dropped the SF Media Reception and the California Travel Market.

Marketing/Promotion Activities

Leisure Market

Targeted Advertising: Ads will be placed in both the California Travel Planner and the California Drive Guide. Ads will include a response measure for tracking purposes.

Trade Shows: LCVB staff will attend two travel trade shows (Bay Area and Sunset Travel Shows) geared toward the Leisure Travel Market. Whenever possible, additional representatives from the Lodi area will attend. All leads will be tracked and a database of contacts will be maintained for future marketing opportunities.

Taste of Lodi: The LCVB will produce this annual signature event to 1.) Draw in visitors and 2.) Showcase and market Lodi as a Wine Country tourism destination.

LodiView: Continue offering LodiView as a monthly e-publication highlighting events and activities of interest to the tourist. A goal will be to increase distribution by 25%.

Group Market

Tradeshows: The Lodi Conference & Visitors Bureau will attend two trade/sales shows created for the group market: The California Society of Association Executives (Cal SAE) and the National Tour Operator Travel & Tourism Exchange. All sales leads will be followed up on and added to our database for future marketing opportunities.

Fam Tours: The Lodi CVB Group Sales Manager will utilize Fam Tours as a tool to market Lodi as a group meeting destination.

Direct Mail Campaign: Quarterly fliers/brochures will be mailed to group sales decision makers to reinforce the Lodi tourism message.

Sponsorships: Sponsorships at Tradeshows will be utilized (when appropriate and as funding allows) as a method by which to introduce the group market to Lodi as a destination.

Public Relations

Public Relations

A PR firm will be retained to assist in the promotion of Lodi as a Wine Country Destination. Quarterly pushes will be made to attain media coverage for Lodi.

Customer Service/Hospitality

Visitor Information Packets: Visitor information will be distributed on request to individuals or groups. In 2007, an estimated 4,000 requests for information will be filled.

Website: The visitlodi.com website will be maintained and updated as necessary. The goal of the website is twofold: 1.) To educate and create awareness of Lodi as a visitor destination and to 2.) Provide the highest degree of customer service by ensuring that visitor information is complete, up-to-date and easily accessible.

Visitor Publications: The LCVB will develop and maintain a number of publications geared to increase availability of visitor information.

- **Community Book:** A revised, updated community book will be produced in 2007. The book which is designed to showcase Lodi to potential visitors and tourists is currently distributed to hotels/wineries and other tourist attractions. It is the main marketing piece for the LCVB and is mailed upon request and is distributed at Travel Trade shows. The book has an estimated 18 month shelf-life.
- **Festival & Events Calendar:** The LCVB will produce an in-house designed/printed Festival & Events Calendar. The Calendar, produced annually, is a quick reference to events in the Lodi area and is distributed at the hotels, tradeshow, and in visitor information packets.
- **Visitor Attraction Map & Guide:** In 2007 the LCVB will continue to distribute the Visitor Attraction Map & Guide. The map comes in a "pad", and is distributed to hotels and other attractions to utilize when visitors are looking for directions to attractions. The map is designed to fold into a brochure so that it can be used in a card rack or as a self-mailer.
- **Meeting Facilities Brochure:** Produced in-house, the Meeting Facilities Brochure is designed to provide information to potential consumers on event facilities.

Hotel Brochure Distribution: LCVB staff will provide a monthly brochure distribution service to all Lodi hotels. The goal is to ensure that visitor information is widely available and easily accessible to guests.

Communications

Mid-Year and Annual Report: In 2007 the LCVB newsletter is being replaced by a mid-year and annual report. The reports will be distributed to local constituents and individuals vested in the tourism industry as a way to inform the public as to the programs and services undertaken by the Conference & Visitors Bureau.

2007 Lodi Tourism Business Improvement District Annual Report

Assessment Funding Purpose: To administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi.

Method of Assessment: The LTBD includes hotels/lodging facilities within the City of Lodi. Each lodging facility within the district shall be assessed 3% of the gross room rental revenue. Rentals (stays) lasting over 30 days are not subject to the assessment. The assessment is levied annual and collected quarterly.

2007 Work Plan (See Attached)

For the purpose of the Annual Report presentation, we have broken our 2006 work plan into 4 project areas:

- Marketing/Promotional Activities
- Public Relations
- Customer Service & Hospitality
- Communications

2007 Budget

Income - BID	\$193,500.00
Income-City of Lodi	\$101,000.00
Income-Community Book	\$5,000.00
Income - Taste of Lodi	\$52,000.00
Total Income	\$351,500.00
Advertising	\$15,673.00
Automobile Expense	\$4,380.00
Bank Service Charges	\$50.00
Contingencies/Unexpected Opportunities	\$6,000.00
Dues & Subscriptions	\$2,775.00
Education/Conferences	\$1,275.00
Equipment Lease - Copier	\$3,612.00
Event Expenses - Taste of Lodi	\$47,321.00
Furniture & Fixtures	\$3,000.00
Gifts	\$150.00
Hospitality/Meals	\$2,500.00
<u>Insurance</u>	
Directors & Officers	\$1,562.00
Health	\$11,500.00
Liability	\$550.00
Work Comp	\$1,423.00
<u>Office Expenses</u>	
Maintenance	\$3,600.00
Supplies	\$1,170.00
<u>Personnel</u>	
Salaries	\$136,500.00

Benefits	\$4,760.00
Postage & Delivery	\$3,000.00
Printing & Reproduction	\$8,081.00
<u>Professional Fees</u>	
Accounting	\$3,500.00
Administration-City of Lodi	\$9,675.00
Legal Fees	\$250.00
Promotion	\$20,735.00
Rent	\$25,445.00
<u>Repairs</u>	
Computer Repairs	\$3,600.00
<u>Tax & License</u>	
Payroll	\$12,396.00
Property	\$2,372.00
Licenses	\$70.00
Telephone	\$2,400.00
Trade Shows	\$4,550.00
<u>Travel & Entertainment</u>	
Meals	\$880.00
Travel	\$3,625.00
Utilities - Gas & Electric	\$3,120.00
Total Expense	\$351,500.00
 Net Profit (Loss)	 \$0.00



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING NOTICE REGARDING THE LODI TOURISM BUSINESS
IMPROVEMENT DISTRICT

PUBLISH DATE: SATURDAY, OCTOBER 6, 2007

LEGAL AD

TEAR SHEETS WANTED: Three (3) please

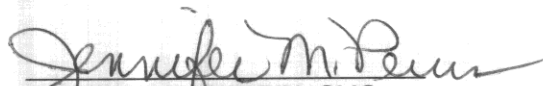
SEND AFFIDAVIT AND BILL TO:

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, OCTOBER 4, 2007

ORDERED BY:

RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at _____(time) on _____(date) _____(pages)
Phoned to confirm receipt of all pages at _____(time) _____JLT _____DRC _____JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING NOTICE REGARDING THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT

On Friday, October 5, 2007, in the City of Lodi, San Joaquin County, California, a Public Hearing Notice regarding the Lodi Tourism Business Improvement District (attached and marked as Exhibit A) was posted at the following locations:

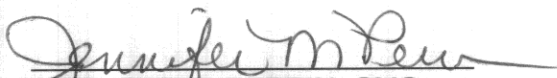
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 5, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING NOTICE REGARDING THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT

On October 4, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail envelopes with first-class postage prepaid thereon containing a Notice of Public Hearing regarding the Lodi Tourism Business Improvement District attached hereto marked Exhibit A. The mailing list for said matter is attached hereto marked Exhibit B.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 4, 2007, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK

NOTICE OF PUBLIC HEARING

EXHIBIT A

RESOLUTION NO. 2007-199

**A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT 2007
ANNUAL REPORT; DECLARING ITS INTENTION TO LEVY ANNUAL
ASSESSMENT; AND ESTABLISHING PUBLIC HEARING DATE**

WHEREAS, the Lodi Tourism Business Improvement District was established October 20, 2004, by Council adoption of Ordinance No. 1753, and as amended by Ordinance 1756; and

WHEREAS, the Annual Report as required by Streets and Highways Code §36500 et seq., has been submitted to the Council by the Board of Directors of said improvement area.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

1. The 2007 Annual Report is hereby received and approved as submitted, said Report being on file in the City Clerk's Office.
2. Establishes **October 17, 2007**, in the City Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or as soon thereafter as possible, as the date, place, and time to hold the public hearing required by Streets and Highway Code §36534.
3. It is the intention of the City Council to levy and collect assessments within the Lodi Tourism Business Improvement District for calendar year 2007 (the Area's fiscal year).
4. The proceeds from the Lodi Tourism Business Improvement District assessment shall be used to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi. The boundaries of the Lodi Tourism Business Improvement District shall be the boundaries of the City of Lodi. Refer to the Report on file in the Lodi City Clerk's office for a full and detailed description of the improvements and activities, boundaries, and proposed assessments for the 2007 fiscal year.
5. At the time of the public hearing, written and oral protests may be made. The form and manner of protests shall comply with Streets and Highways Code §§36524 and 36525.

Dated: October 3, 2007

I hereby certify that Resolution No. 2007-199 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

2007-199

Lodi Tourism Business Improvement District Advisory Board

Members:

Tabitha Freytag
Wine and Roses Country Inn
2505 W. Turner Road
Lodi, CA 95242
(209) 334-6988

Beth Kim
Comfort Inn
118 N. Cherokee Lane
Lodi, CA 95240
(209) 367-4848

Sonny Patel
Wine Country Inn
607 S. Cherokee Lane
Lodi, CA 95240
(209) 368-2707

Sunil Yadav
Modern Motor Lodge
1050 S. Cherokee Lane
Lodi, CA 95240
(209) 333-8844

Mary Wallace
Frames and Fine Things
18 W. Pine Street
Lodi, CA 95240
(209) 333-1246

Kelli Mettler
Lodi Conference and Visitors Bureau
2545 W. Turner Road
Lodi, CA 95242
(209) 365-1195

Betty Hansen
Jewel Fine Wines
3750 E. Woodbridge Road
Woodbridge, CA 95258
(209) 340-8521

Liaison:

Jim Krueger, Finance Director
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910
(209) 333-6761

Also mail agendas to:

Nancy Beckman, Executive Director
Lodi Conference and Visitors Bureau
115 S. School Street, Suite 9
Lodi, CA 95240
(209) 365-1195

EXHIBIT B



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for One Vacancy on the Planning Commission and Re-Post for Seven Vacancies on the Newly Created Lodi Animal Advisory Commission

MEETING DATE: October 17, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Direct the City Clerk to post for one vacancy on the Planning Commission and to re-post for seven vacancies on the newly created Lodi Animal Advisory Commission.

BACKGROUND INFORMATION: The City Clerk's Office received a letter of resignation from Planning Commissioner, Doug Kuehne, and it is recommended that the City Council direct the City Clerk to post for this vacancy. Further, the application deadline for the seven positions on the newly created Lodi Animal Advisory Commission has closed with only four applications received. It is recommended that the City Council direct the City Clerk to re-post these terms for another 30-day period.

Lodi Animal Advisory Commission

Two Vacancies	Terms to expire December 31, 2008
Two Vacancies	Terms to expire December 31, 2009
Three Vacancies	Terms to expire December 31, 2010

Planning Commission

Doug Kuehne	Term to expire June 30, 2009
-------------	------------------------------

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report

MEETING DATE: October 17, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through September 30, 2007.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: See attached.

Randi Johl
City Clerk

RJ/JMP

Attachment

APPROVED: _____
Blair King, City Manager

Cumulative Report through September 30, 2007

Prepared by: JMP



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Recommendations for Preferred Site and Treatment Technology for Lodi Surface Water Treatment Facility

MEETING DATE: October 17, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve the staff recommendations for the preferred site selection and the selection of membrane treatment technology for the Lodi Surface Water Treatment Facility.

BACKGROUND INFORMATION: At previous Council meetings, staff and the consulting firm, HDR, presented the results of a study that considered five alternative sites for the new Surface Water Treatment Facility (SWTF) with the objective to receive site selection direction from the City Council early in the program. At these meetings, we also noted that among the “next steps”, a presentation and request for approval would be made in October 2007 on the preferred treatment technology.

The five alternative sites (as shown on Exhibit 1) are listed below, along with comments as to their suitability:

- A – The vacant 13 acres at the west side of Lodi Lake – recommended site (City-owned, lowest cost, park/educational benefits)
- B – The General Mills orchard property west of Site A – suitable site (similar to Site A but privately owned, no park benefit)
- C – The “scenic overlook” site at the end of Awani Drive at the Mokelumne River – not recommended (although City-owned, significant additional cost for new River intake and fish screen and delay for State/Federal permitting)
- D – Along the Woodbridge Irrigation District (WID) Canal, 0.6 miles northwest of the corner of Lower Sacramento Road and Sargent Road, immediately west of the proposed Westside residential development project – not recommended (privately owned, additional pipe and land costs)
- E – Along the WID canal, just north of Turner Road – not recommended (privately owned, additional pipe and land costs)

Council directed staff to contact General Mills regarding Site B. General Mills Site Manager, Carson Funderburk, has responded to the City Manager that they have potential long-term plans for the property and that it could be three to five years before they could determine if property was available. Since we cannot wait that long and the Council has not indicated that it would be willing to use eminent domain to acquire property, staff believes that Site A, the Lodi Lake property, is the best available site. We are confident that the facility can be designed and constructed to be not only compatible with future park uses but will actually enhance the area. Very preliminary conceptual plans and photographs will be presented at the meeting, however, much work and future decisions will need to be made regarding the site, including:

- Develop a master site plan for the entire parcel, including the SWTF and park uses

APPROVED: _____
Blair King, City Manager

- Plan for shared facilities and improvements as much as possible to be efficient in terms of land usage (such as roadway access, parking, restrooms)
- Attempt to minimize land needs; for example, consolidating plant elements in fewer buildings
- Design the facility with site and architectural enhancements to improve the park
- Have the SWTF facility itself provide public benefit through development of a viewing/educational multi-purpose room, possibly as a replacement for the aging Discovery Center currently located in the old snack bar at Lodi Lake
- Having the project literally pay the General Fund for the site is within the discretion of the Council. Staff has assumed that the compensation and/or mitigation for park impacts would be in the form of enhanced or additional improvements as part of the SWTF project. This does not need to be determined at this time but should be considered in the design and financing stages.

During the discussions over the site, our consultants have completed the technology assessment for the SWTF (attached). The recommendation is for a membrane filter system rather than “conventional” filtration. Conventional filters use sand or other media to filter water that has chemicals added to “flocculate” the water in order for the sand/media to remove fine material. Membranes are layers of ceramic or other material with very small pores through which the water is pumped and very fine material is removed from the water. The advantages of membrane systems over “conventional” include:

- “Membranes provide a positive barrier for the removal of all microbials and most pathogens, which increases the flexibility of the system to meet future regulations.”
- The facility footprint can be smaller and easier to expand.
- The facility can be more automated, reducing personnel requirements.
- The process requires less pretreatment or chemical addition.
- Costs are similar, perhaps slightly less.

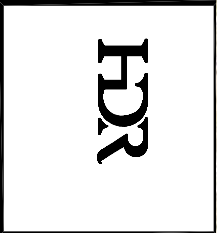
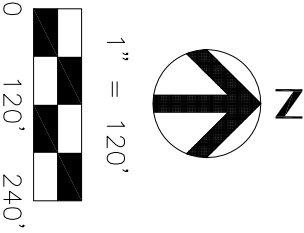
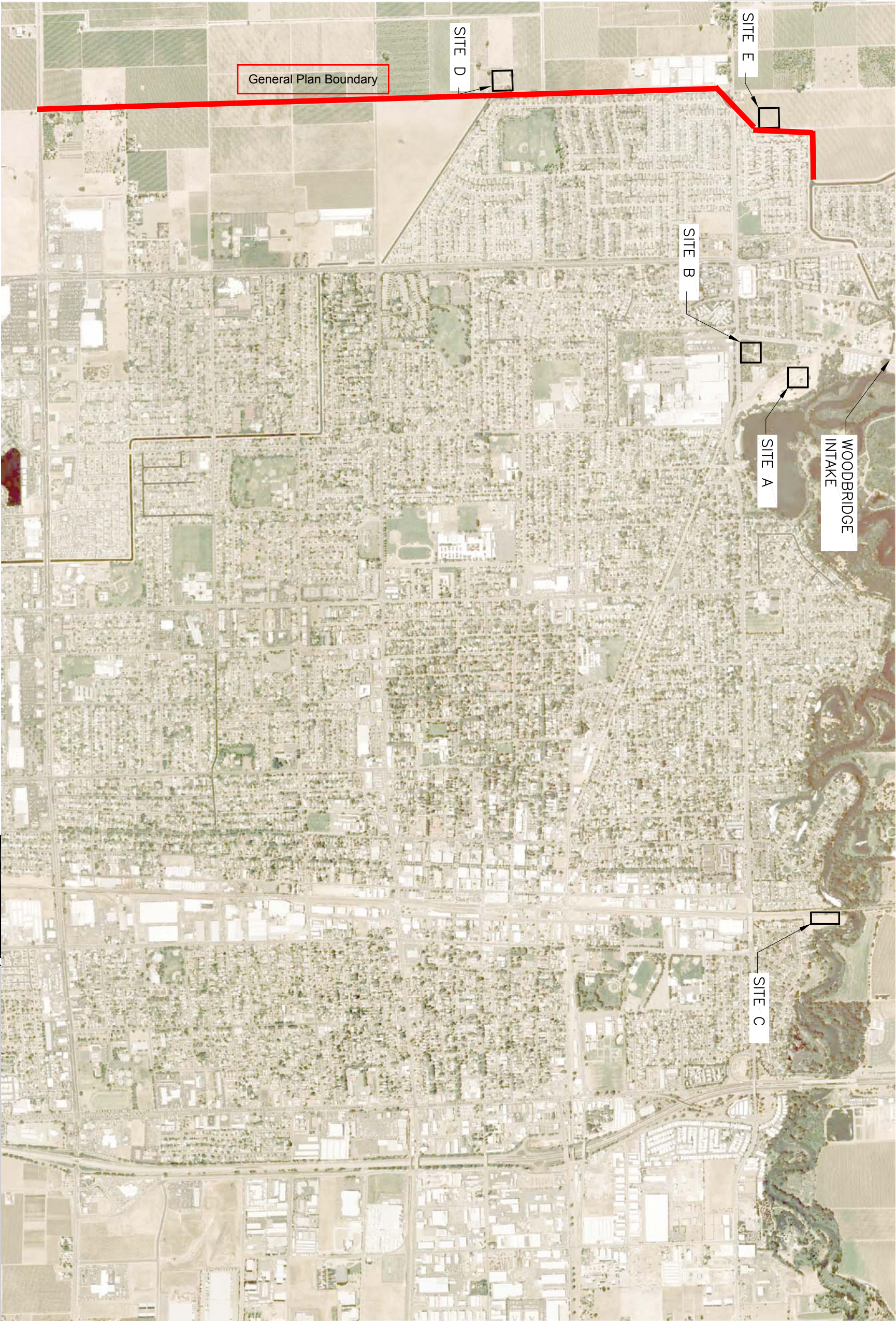
“Next steps” in this project process will be to refine the site layout; complete the watershed assessment; and perform geotechnical work, evaluation of environmental considerations, distribution system modification evaluation and phasing/cost estimates. The phasing and cost estimates will be used in the financing model which is scheduled for Council presentation and direction in early 2008.

FISCAL IMPACT: Site A is the recommended site for the Surface Water Treatment Facility and, if selected, could realize a reduced capital expenditure in excess of \$1,000,000 or provide additional public park improvements.

FUNDING AVAILABLE: Not applicable at this time.

Richard C. Prima, Jr.
Public Works Director

RCP/pmf
Attachments



ALTERNATIVE SWTF SITE LOCATIONS

CITY OF LODI – SURFACE WATER TREATMENT FACILITY

DATE	6/19/07
FIGURE	1

TM 5 – SWTF TREATMENT PROCESS DESIGN DEVELOPMENT

City of Lodi Surface Water Treatment Facility Conceptual Design and Feasibility Evaluation

October 10, 2007

Reviewed by: Richard Stratton, P.E.

Prepared by: Shugen Pan, PhD, P.E.

Introduction

The proposed Surface Water Treatment Facility (SWTF) project will treat surface water from the Mokelumne River to supplement the City's existing groundwater supply. Treatment technologies available for the SWTF include either a conventional process consisting of coagulation, flocculation, sedimentation, dual media (anthracite/sand) filtration; or a membrane treatment process utilizing microfiltration or ultrafiltration membranes. The purpose of this technical memorandum (TM) is to establish design criteria for both conventional and membrane treatment processes at the proposed SWTF, evaluate the advantages and disadvantages of each process, and recommend the best treatment process. The process schematic, preliminary site plan showing the layout and required footprint, improvements needed to provide access to the site, hydraulic profile, and preliminary floor plans for key buildings will be presented for the recommended process.

Additional elements of the project that are covered in other TMs include:

TM 2 - Alternative Site Selection – Initial Screening

TM 3 - Watershed Assessment

TM 4 - Regulatory Review

TM 6 - Surface Water and Groundwater Blending

These TMs will develop information that may modify the final design criteria of the recommended treatment process. However, the comparison evaluation of the processes will not be affected by these changes. For example, TM 6 may recommend addition of polyphosphates to stabilize corrosion scales in the existing piping after introduction of surface water. This would be required for either a conventional or a membrane process and would not change the decision on which alternative is preferred.

Basic Design Criteria for Both Conventional and Membrane Treatment Alternatives

The basic design criteria for a water treatment plant are established to address raw water quality challenges, to comply with current and future regulations, and to reliably operate to meet the anticipated range of water demands. The basic design criteria common to both conventional and membrane treatment alternatives can be divided into three groups: raw water quality, treatment capacity/reliability, and treated water quality/regulatory compliance.

Raw water quality

The proposed City of Lodi SWTF will treat water from the Mokelumne River through the Woodbridge Irrigation District (WID) irrigation canal intake and fish screen. The water quality is evaluated in detail in the future watershed assessment TM and is briefly summarized in Table 1.

It should be noted that data represent the general quality of the water at the sampling sites. Additional sampling has been performed by City Storm Water trackers during the winter season. This data has shown that the raw water turbidity could be greater than 50 NTU during a storm event.

Overall, the Mokelumne River is an excellent water source that has low total dissolved solids (TDS) and total organic carbon (TOC) concentrations. The levels of total coliform and *Giardia* Cysts are slightly elevated, but these can be effectively removed by membranes or the combination of conventional filtration followed by ultraviolet disinfection.

Table 1
Water Quality Data from Mokelumne River and WID Canal Sampling Sites, May 2006-July 2007

	Site 1: Mokelumne River ¹			Site 2: WID Canal Near River ²			Site 3: WID Canal Past Raleys ³			Site 4: Woodbridge Dam ⁴		
Constituent	Max.	Min.	Mean	Max.	Min.	Mean	Max.	Min.	Mean	Max.	Min.	Mean
pH, SU	8.6	6.2	7.4	7.8	6.3	7.1	7.8	6.3	7.1	8.8	7.7	8.0
Total dissolved solids, mg/L	45	25	31	42	25	32	43	22	31	45	24	35
Specific conductance, μ S/cm	52	32	40	48	31	39	52	32	39	44	35	39
Turbidity, NTU	5.7	1.3	2.6	4.3	1.0	2.5	3.5	1.1	1.9	3.4	1.4	2.4
Alkalinity, mg/L	23	15	<20	21	<20	6	22	16	10	<20	<20	<20
Hardness, mg/L	16	13	14	15	13	14	16	13	14	14	13	14
Calcium, mg/L	4	3.4	3.6	4.0	3.5	3.7	4.1	3.5	3.7	3.7	3.5	3.6
Iron, mg/L	0.20	<0.10	0.15	0.17	<0.10	0.13	0.12	<0.10	<0.10	0.23	0.12	0.16
Magnesium, mg/L	1.3	1.0	1.2	1.3	1.1	1.2	1.3	1.1	1.2	1.2	1.1	1.2
Copper, μ g/L	5.8	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0	<5.0
Zinc, μ g/L	27.0	<5.0	9.6	31.0	<5.0	10.2	32.0	<5.0	13.2	8.1	<5.0	<5.0
Total organic carbon, mg/L	2.7	1.1	1.5	2.9	<1.0	1.7	2.8	1.1	1.6	1.6	1.2	1.4
Dissolved organic carbon, mg/L	2.4	<1.0	1.0	2.5	1.1	1.5	2.5	<1.0	1.3	1.5	1.1	1.3
Total coliform, MPN/100mL	1600	60	509	>1600	240	1019	>1600	300	1030	1600	170	766
Fecal coliform, MPN/100mL	140	13	69	170	13	59	900	30	330	140	23	75
Giardia, cysts/mL	9.5	<0.5	2.0	4.0	<0.5	1.0	4.5	<1.0	2.1	4.0	<0.5	<0.5
Cryptosporidium, oocysts/L	<0.10	<0.05	<0.05	0.05	<0.05	<0.05	<0.1	<0.05	<0.05	<0.1	<0.05	<0.05
VOCs, μ g/L	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
SOCs, μ g/L	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

Source: City of Lodi Public Works Department, 2007

¹ Mokelumne River shore on north side of Vaccarrea property (1300 block E. Turner Road); 15 samples from May 3, 2006 through July 18, 2007

² WID Canal from bridge over canal on Orange Street; 10 samples from May 3 through October 11, 2006 and April 4 through July 18, 2007

³ WID Canal past Raleys from bridge on Lower Sacramento Road by well 13; 10 samples from May 3 through October 11, 2006 and April 4 through July 18, 2007

⁴ Just upstream from Woodbridge Dam; 5 samples from November 29, 2006 through March 7, 2007

Key: μ g/L = micrograms per liter
 mg/L = milligrams per liter
 MPN/ 100mL = most probable number per 100 milliliters
 ND = not detected
 NR = not reported
 NTU = nephelometric turbidity unit
 μ S/cm = microSiemens per centimeter

Treatment capacity/reliability

Background

The City currently uses groundwater as its sole source of supply. A total of 26 groundwater wells located throughout the City's distribution system provide a combined capacity of 35,210 gallons per minute (gpm) or 50.7 million gallons per day (mgd) based on the City's 2005 Urban Water Management Plan (UWMP). The City has historically used from 11,462 AFY of groundwater in 1970 to 17,108 AFY in 2001. Historical data indicate that the City's groundwater elevation decreased on average 0.39 feet per year from 1927 to 2004, although groundwater elevation also fluctuates due to annual rainfall. Historical groundwater elevation and annual rainfall are presented in Figure 1.

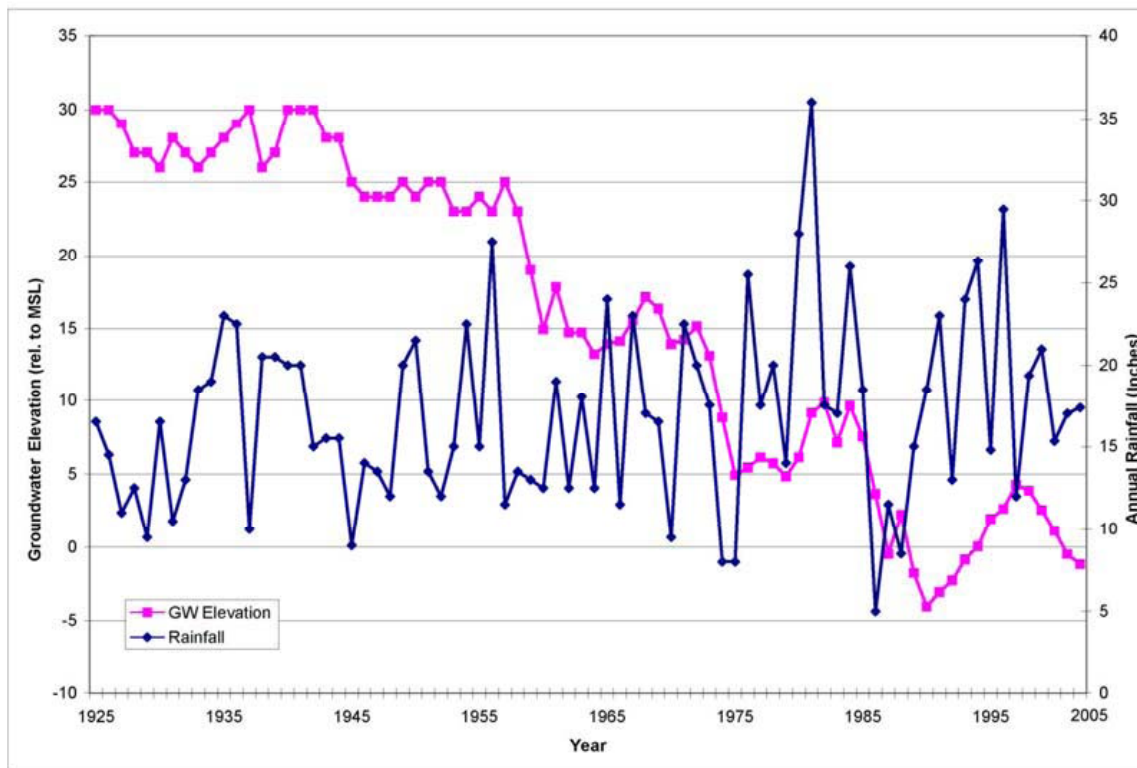


Figure 1. Historical groundwater elevation and annual rainfall

This figure indicates that the groundwater basin underlying Eastern San Joaquin County that supplies the City's wells is in an overdraft condition. The 2005 UWMP estimates that the safe yield of the underlying groundwater basin is approximately 15,000 AFY on an acreage-based relationship although more rigorous scientific analysis could be done to confirm the safe yield. The declining groundwater basin is a result of groundwater extraction by all groundwater users in the area, including other cities, agriculture, private well owners, and the City. The City plans to reduce its groundwater pumping in the long term as part of a regional effort to stabilize the groundwater basin.

Water demand

The 2005 UWMP reports that City's average annual water demand for the period 1995 to 2004 was 14.94 mgd. The maximum day peaking factor (the maximum demand divided by the average annual demand) for the City's water demand ranged from 1.80 to 2.30 with an average of 1.91. The maximum month demand typically occurs in either August or July with a peaking factor of 1.7. The monthly demand during the year based on 2005 and 2006 demand data is presented in Table 2.

Table 2. Monthly Demand Data

Month	Average Monthly Demand, mgd	Peaking Factor - (Monthly Demand/Annual Average Demand)
January	7.6	0.52
February	7.9	0.54
March	8.1	0.56
April	9.9	0.68
May	16.5	1.13
June	21.3	1.46
July	24.8	1.70
August	23.8	1.63
September	20.2	1.39
October	15.7	1.08
November	11.0	0.75
December	8.2	0.56
Annual Average	14.58	

Based on the historical peaking factor and the projected water demand, the year is divided into 3 seasonal demand groups: summer, spring-fall, and winter. Projected potable water demands for each are season presented in Table 2. These values assume water conservation practices will be implemented as described in the UWMP.

Table 3. City of Lodi Current and Projected Total Water Demand (Ref. 2005 UWMP)

Demand Criteria	Units	2005	2010	2015	2020	2025	2030
Annual demand	AFY	17,300	17,900	18,400	19,100	19,800	21,300
Average Annual Daily Demand	MGD	15.4	16.0	16.4	17.1	17.7	19.0
Summer (June–September) Average Daily Demand*	MGD	24.6	25.6	26.2	27.4	28.3	30.4
Spring-Fall (April, May, October, November) Average Daily Demand *	MGD	15.4	16	16.4	17.1	17.7	19
Winter (December–March) Average Daily Demand *	MGD	9.2	9.6	9.8	10.3	10.6	11.4

*Summer (1.6 x annual average); Spring-Fall (1.0 x annual average); Winter (0.6 x annual average)

Water supply

Based on the UWMP, the projected potential potable water supply for the City includes 15,000 AFY of groundwater and 6,000 AFY of WID surface water. The projected 15,000 AFY of

groundwater is based on the estimated safe yield, however, this estimate is not guaranteed. The actual safe yield could be less than projected, and it will depend on the cooperation of all other groundwater users to be sustainable. Recycled water usage is covered in TM 11 - Phased Capacity Analysis. Demands associated with current reclaimed water usage at the White Slough Facility are not included in the demands listed in Table 3. Although the recycled water could be a reliable source to offset some potable water usage, the water quality is not as good as potable water and the public may be reluctant to accept it as a supplemental source for current potable water uses.

To increase the flexibility and reliability of the City's water supply, the City is actively exploring possibilities with the WID and East Bay Municipal Utility District (EBMUD) to use more of the Mokelumne river water. It is expected that up to 6,000 AFY additional surface water could be acquired. Considering both the contracted surface water and the additional surface water available pending negotiation, the total available surface water could be as much as 12,000 AFY. This is equivalent to 10.7 million gallons per day (mgd) assuming year-round operation, or 17 mgd if water usage is limited to March 1 through October 15.

The current groundwater supply is provided by 26 wells with capacities ranging from 1.2 to 3.0 mgd. When determining the maximum surface water usage possible during the winter, consideration must be given to the fact that the wells must be operated on a maximum 3-day rotation to ensure well good performance. This means that 8 wells must be operated every day for at least 6 hours (2 wells running at all times). Assuming an average well capacity of 2 mgd, the most surface water that can be used during the winter months on an average in 2030 would be 6.5 mgd.

Treatment capacity

The capacity of the SWTF should be sufficient to treat the contracted surface water, banked water, and future surface water supplies. The required capacity of the SWTF is dependent on whether it is operated year round or only during the irrigation season (from March 1st to October 15th). Higher capacity is needed if the facility is operated during the irrigation season only. The SWTF should be designed to treat the maximum amount water available during the year and allow operation at maximum capacity during the summer high demand months and at lower capacity during the winter so that the groundwater wells can be exercised sufficiently. The SWTF should also be designed with sufficient reliability. Key unit processes in the treatment train will utilize the N+1 approach, i.e., capacity will be based on one unit off-line. The required treatment capacities of the SWTF by season for utilizing the maximum water supply from the Mokelumne River for the year 2030 demands are summarized in Table 4. The required capacities are shown for both year round operation and for operation only during the irrigation season.

Table 4. Required Treatment Capacities of the SWTF based on Year 2030 Demands

Demand Criteria	Summer	Spring and Fall	Winter
Year Round Operation			
Maximum Day	16 mgd	14 mgd	7 mgd
Minimum Day	12 mgd	10 mgd	5 mgd
Average Day	14 mgd	12 mgd	6 mgd
March 1 through October 15 Operation			
Maximum Day	26 mgd	14 mgd	7 mgd
Minimum Day	20 mgd	10 mgd	5 mgd
Average Day	23 mgd	12 mgd	6 mgd

The design capacity required to fully utilize the 12,000 AFY of water contracts for year round operation is 16 mgd. If operation is limited to the irrigation system, a plant capacity of 26 mgd would be required.

For the initial phase (year 2010) of the project, it is assumed that that 3,000 AFY of banked water would be used along with the 6,000 AFY contract amount. The required treatment plant capacities by season for the initial phase are shown in Table 5.

Table 5. Required Treatment Capacities of the SWTF based on Initial Phase Demands Using Banked Water

Demand Criteria	Summer	Spring and Fall	Winter
Year Round Operation			
Maximum Day	12 mgd	10 mgd	7 mgd
Minimum Day	8 mgd	6 mgd	5 mgd
Average Day	10 mgd	8 mgd	6 mgd
March 1 through October 15 Operation			
Maximum Day	18 mgd	12 mgd	7 mgd
Minimum Day	13 mgd	8 mgd	5 mgd
Average Day	16 mgd	10 mgd	6 mgd

Based on the initial demands including use of banked water, it is recommended that the City construct the SWTF in two phases. The first phase shall have a summer capacity of 12 mgd and leave room for a second phase expansion of 4 to 6 mgd. The size of the first phase and second phase expansion will depend on the actual amount of future water supply and whether or not the plant operates year round. The following sections are based on an initial firm treatment plant capacity of 12 mgd.

Treated water quality / Regulatory compliance

The treated water quality goals for the SWTF are based on an assessment of regulatory requirements (both existing and future), maximum contaminant level (MCLs), required treatment techniques (TT), secondary standards, required pathogen log removals, and aesthetic water quality goals. Pathogen log removal is based on taking the converting the logarithm of (1- minus the percent removal (as a fraction) to a positive number. For example, 99.9 percent removal is equal to a 3-log removal $[-\log(1-0.999)]$. The water quality goals for this project are summarized in Table 6.

Table 6 - Treated Water Quality Goals

Contaminant/Parameter	Treated Water Goal	MCL or TT	Secondary Standard
Arsenic (mg/L)	<0.008	0.010	
Fluoride (mg/L)	< 2.0	4.0	2.0
Nitrate as N (mg/L)	<8.0	10	
Nitrite as N (mg/L)	<0.8	1	
Gross Alpha (pCi/L)	<10	15	
Uranium (ug/L)	<10	30	
Total Trihalomethanes (TTHM) (ug/L as LRAA)	<64	80	
Haloacetic Acids (HAA) (ug/L as LRAA)	<48	60	
Turbidity (NTU)	<0.3	TT ⁽¹⁾	
Aluminum (mg/L)	<0.05		0.05 to 0.2
Chloride (mg/L)	<100		250
Color (color units)	<5		15
Copper (mg/L)	<0.8		1.0
Iron (mg/L)	<0.3		0.3
Manganese (mg/L)	<0.05		0.05
Odor (TON)	<3		3
pH	7.5-8.3		6.5-8.5
Sulfate (mg/L)	<100		250
Total Dissolved Solids (mg/L)	<300		500
Zinc (mg/L)	<5		5
<i>Cryptosporidium</i>	4 log removal/inactivation	TT ⁽²⁾	
<i>Giardia lamblia</i>	4 log removal/inactivation	TT ⁽²⁾	
Viruses	4 log removal/inactivation	TT ⁽²⁾	

TT: Treatment Technique

- (1) Combined filter effluent turbidity <0.3 NTU in 95% of measurements taken each month. The maximum turbidity is 1 NTU.
- (2) Minimum 3-log removal/inactivation of Giardia (99.9%); minimum 4-log removal/ inactivation of viruses (99.99%); and minimum 3-log to 5.5-log removal/inactivation of Cryptosporidium depending on the source water quality.

Review of Appropriate Treatment Technologies

The typical water treatment process train includes three basic unit operations: pretreatment, filtration, and disinfection. In addition to the basic unit operations, other treatment units or chemicals are often included to optimize water treatment and achieve better treated water quality. These treatment units include grit removal, oxidation chemicals, powdered activated carbon (PAC) and corrosion inhibitors. For some waters advanced treatment such as granular activated carbon (GAC) and nanofiltration or reverse osmosis (NF/RO) are included in the process. The treatment processes that would be appropriate for treating raw water from the Mokelumne River via the new WID intake are summarized in Table 7.

Table 7. Appropriate Treatment Processes for Mokelumne River Water Supply

Treatment Category	Appropriate Unit Processes
Pretreatment	<ul style="list-style-type: none"> • Conventional Coagulation/Sedimentation • Coagulation for Direct Filtration • Dissolved Air Flotation • Sludge Blanket Clarifiers • Ballasted Clarification • Plate or Tube Settlers
Filtration	<ul style="list-style-type: none"> • Conventional Dual Media Filters • Microfiltration or Ultrafiltration (Membrane Filtration)
Disinfection	<ul style="list-style-type: none"> • UV • Chlorine • Chloramines • Ozone
Oxidation	<ul style="list-style-type: none"> • Ozone • Chlorine Dioxide • Chlorine • Chloramines • Potassium Permanganate • Hydrogen Peroxide
Other Chemicals	<ul style="list-style-type: none"> • Powdered Activated Carbon (PAC) • NaOH • Corrosion Inhibitors
Alternative Advanced Processes*	<ul style="list-style-type: none"> • GAC • Nanofiltration or Reverse Osmosis

*These processes are for enhanced Total Organic Carbon (TOC) and /or Total Dissolved Solids (TDS) removal and are not necessary for this project.

Theoretically, there are forty-eight possible treatment trains based on the pretreatment, filtration, and disinfection alternatives listed in the above table. If oxidation and advanced treatment are included in the consideration, the possible trains are much more. To simplify the evaluation process, only the most feasible treatment processes, based on a review of industry experience with these unit processes, are selected for evaluation. First, two filtration technologies (i.e. conventional dual media filtration and membrane filtration) are selected as the base unit of each treatment trains. The full treatment trains are developed by expanding the base unit with the addition of pretreatment and disinfection technologies that are most feasible

when combined with the base unit, considering raw water quality, treated water quality goals, existing and future regulations, and engineering judgment. The following sections will review appropriate treatment processes for treating Mokelumne River water (including pretreatment, filtration, and disinfection) technologies and determine their suitability to the proposed SWTF.

Pretreatment Alternatives

Conventional Sedimentation

Conventional sedimentation involves chemical addition, rapid mixing, coagulation, flocculation, and sedimentation. This process has been demonstrated to be capable of removing turbidity, color, TOC, Dissolved Organic Carbon (DOC), viruses, bacteria, and protozoans such as *Giardia* and *Cryptosporidium*. This pretreatment alternative can cope with source water turbidity up to 1,000 NTU or higher and is a reliable pretreatment alternative for both membrane and conventional filters.



Conventional flocculation and sedimentation basin (Yuba City)

Coagulation and Flocculation for Low Turbidity Waters

If the raw water source has low turbidity such as found in lakes, reservoirs or rivers flowing out of lakes/reservoirs, pretreatment consisting of coagulation followed by flocculation may provide sufficient pretreatment prior to filtration. This approach is often called direct filtration. Since sedimentation basins are not required, costs are lower for direct filtration plants than for conventional plants. Coagulation followed by direct filtration with media filters generally

requires that the average raw water turbidity is less than 10 NTU and thus will not be feasible for dual media filtration at the proposed SWTF if year round operation is desired. In addition, DHS regulations provide a lower *Giardia* log removal credit of 2.0 for direct filtration which would necessitate a more robust disinfection system to achieve the 3.0 log total log removal requirement. In many cases, if there is a concern with elevated levels of bacteria or cysts in the water supply, the Department of Public Health will require full conventional treatment and not allow direct filtration.

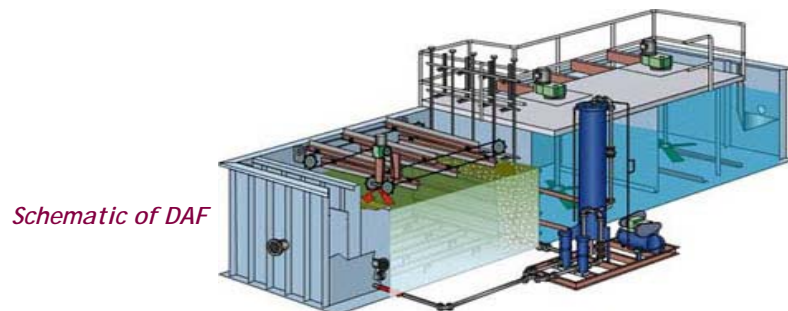
On the other hand, coagulation followed by membrane filtration has been frequently used to treat surface water with inlet turbidity as high as 100 NTU for short durations. An example is the Yucaipa Valley Water District membrane WTP that treats water from California Aqueduct via Lake Silverwood and the Crafton Hills Reservoir without pretreatment. Given the comparable quality of the Mokelumne River to the water leaving Lake Silverwood, it is expected that coagulation with direct membrane filtration will do well at the proposed SWTF.

Dissolved Air Flootation

Dissolved air flotation (DAF) is based on the principle that the naturally occurring and coagulated particles can be made to float with the help of dissolved air bubbles. The flocculation time used in DAF plants are typically less than those used by conventional coagulation sedimentation plant. Advantages of DAF include:

- Small tanks compared with those for sedimentation
- Possibly lower coagulant and flocculent aid dosages, can operate without polymer addition
- Provide better removal of low density particles and algae
- Greater sludge solids concentration.

DAF is a suitable pretreatment for both media filter and membrane filters for the proposed SWTF.



Sludge Blanket Clarifiers

Sludge blanket clarification, or solids contact clarification, involves coagulation within a mass of previously formed solids. Coagulation chemicals are added in a rapid mixing chamber and the water and resulting particles then percolate upward through a sludge blanket. The contact between the newly flocculated particles and the existing mass in the sludge blanket aids in the removal of particles from the water because newly formed particles readily adsorb onto existing particles. During stable operation, the sludge blanket clarifier can generally produce lower turbidity water compared with the conventional sedimentation basin. One disadvantage of the sludge blanket clarifiers is the blanket stability can be disrupted during flow changes, abrupt water quality changes, or temperature changes, resulting in floc carryover to the filters. Sludge blanket clarification is a viable pretreatment for both media and membrane filtration.

Ballasted Clarification

Ballasted clarification is a high-rate clarification system (e.g., Actiflo by Kruger), which includes separate chemical addition, followed by rapid mixing, flocculation, and sedimentation compartments within a single unit. The process utilizes microsand to enhance flocculation and settling. Settleable particles adhere to the microsand and are removed in the sedimentation compartment. The settled solids/microsand is pumped to a hydrocyclone where the microsand is separated and returned to or reused in the flocculation compartment. The solids/sludge is discharged to the solids handling process.

The advantages of ballasted processes are the reduced coagulation and flocculation times and the higher rise rate compared to conventional settling. The ballasted flocculation process has been successful even under extreme conditions such as low temperature, high color, and very high or very low turbidities. Ballasted flocculation is expected to perform well as the pretreatment alternative for media filters. Ballasted clarification has also been used ahead of membrane filters, however, testing at many facilities indicates that polymer carryover can occur causing rapid fouling of the membranes. Ballasted clarification would not be the best fit for the proposed SWTF if membranes are selected.



Schematic of ACTIFLO and ACTIFLO Facility (City of Fresno)

Plate and Tube Settlers

Plate and tube settlers are very similar in nature and only plate settler will be discussed here. Plate settlers perform the same function as conventional sedimentation basins and can be installed in the same location in the process train. Flocculated water enters the plate settler at the bottom of the plates and flows through the inlet channel to each plate. Water enters the settling area between the inclined plates through openings on both sides of the plates, and flows upward between the plates to the outlet area. Settled solids slide down the inclined surface and drop into the basin below.

Plate settlers allow for overall basin loadings from 2 to 4 gpm/ft², several times that for conventional basins, thus offering considerable savings in space and cost for sedimentation. Plate settlers are expected to perform well as the pretreatment for both media filter and membrane filter for the proposed SWTF.



Stainless Plate Settler installed in Sedimentation Basin (Kennewick, WA)

Filtration Alternatives

Filtration is the heart of surface water treatment plants and is needed for most surface waters in order to provide a barrier against the transmission of waterborne diseases. Filtration and disinfection together provide an effective barrier against pathogens. Filtration can assist significantly by reducing the load on the disinfection process and increasing disinfection efficiency. Filtration can be divided into two basic types: media filtration and membrane filtration. Each type of filtration will be briefly discussed in the following sections.

Media Filtration

Media filtration can include slow sand filtration (0.05 to 0.1 gpm/ft^2), rapid sand filtration (1 to 2 gpm/ft^2), high-rate granular media filtration (up to 10 gpm/ft^2 or even higher), Diatomaceous Earth (DE) filtration, and those used in pressure filters such as green sand filtration. High-rate granular media filtration is the most commonly used media filtration in modern surface water treatment plants and will be the basis of this evaluation. Media configuration in the high-rate granular media filter can be 1) conventional sand; 2) dual-media (coal over sand); 3) mixed media (coal over sand over garnet); and 4) deep bed (coarse sand or coal, unstratified, 48 to 72 inches). Granular activated carbon (GAC) caps, a layer of GAC on top of the filter media, has also been frequently used to improve filtration and organic removal.

Effective operation of a media filtration system requires effective pretreatment of the source water. The nature, as well as the quantity, of suspended material in the pretreated water can greatly influence filter performance. The most commonly used filtration pretreatment process is coagulation/flocculation and sedimentation. Unflocculated water can be difficult to filter regardless of the type of medium used.

With proper pretreatment, media filters typically can operate from 12 to 96 hours before either reaching the head loss limit or experiencing a turbidity breakthrough leading to poor effluent water quality. A filter backwash is required when either of the above condition occurs. Media

filters are typically backwashed with finished water at 15 to 20 gpm/sf with the bed expansion being between 15 and 30 percent. Backwash cycles are generally 10 to 20 minutes in duration. Air scour is generally used during backwash to enhance the cleaning of the filter media.



Dual media filters (GAC over sand) rated for operation up to 9 gpm/sf (West Sacramento)

At the end of a backwash cycle, some particles remain trapped within the filter bed. When a filter is returned to service after backwashing, these particles are carried into the filter effluent, causing elevated turbidities and particle counts during the initial filtration period. A “filter-to-waste” step is generally required before a filter is put back in to normal filtration after a backwash. The filtered water collected during this period is recycled to an upstream location in the process stream or delivered to a separate treatment process.

Membrane Filtration

There are four types of pressure membrane systems that are typically used in water treatment. These are Microfiltration (MF), Ultrafiltration (UF), Nanofiltration (NF), and Reverse Osmosis (RO). Microfiltration is a low-pressure membrane process with the largest pore size membranes. Microfiltration can easily remove *Giardia lamblia* cysts and *Cryptosporidium* oocysts as well as other microorganisms, colloids, and high-molecular weight compounds. Ultrafiltration is another low-pressure membrane system that operates at a slightly higher pressure and has smaller pore size than MF. Since the membrane pore size is smaller, it can remove what MF can remove plus viruses. Nanofiltration operates at a much higher pressure

than either MF or UF, but less than RO. NF is capable of removing hardness, pathogens, viruses, some dissolved organics, and organic color. RO is the membrane system with the smallest membrane pores and operates at the highest pressures. It is capable of removing most organic compounds and ions, all bacteria, viruses, microorganisms, and radionuclides. For this project, MF and UF are the membrane systems that can replace conventional surface water treatment systems at a comparable cost.

Microfiltration and ultrafiltration are hollow-fiber membrane systems that remove contaminants by physical straining (sieving). The membranes remove particulates by physically straining from the water the particles greater than the nominal pore size of the membrane. The UF membranes pore size (0.01 micron) is about one order of magnitude less than the MF pore size (0.1 micron). These membrane systems can be pressure-driven or vacuum-driven membrane processes that operate at low (5 to 50 psi) pressures and flux rates of 15 to 75 gallons/ft²/day (gfd). Chemical conditioning of the raw-water feed is usually not required except where enhanced organics or pathogen removal is desired. Due to the projected organic levels in the raw water, a chemical coagulant will be needed to reduce dissolved organic carbon (DOC) and Disinfection Byproduct (DBP) in the finished water.

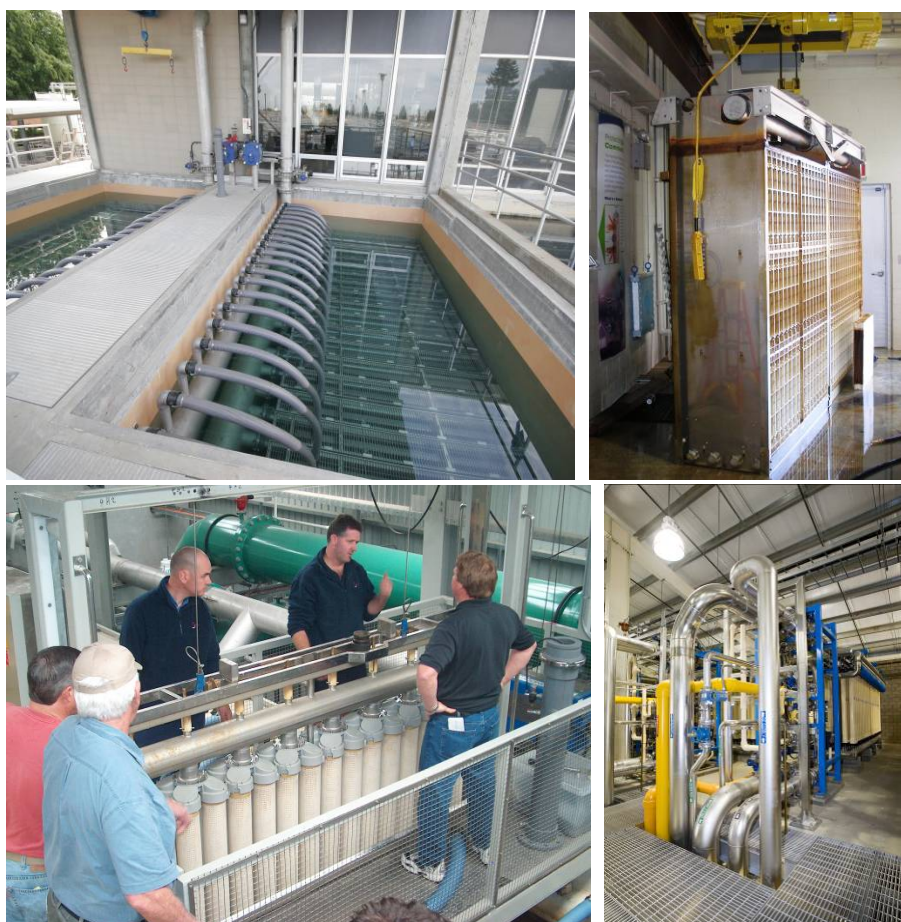
While the MF and UF systems are pressure driven, there are two basic configurations – modules mounted in pressure vessels operating under positive pressure and modules submerged in an open basin that operate under vacuum. For the positive pressure system, the water is pumped through the membranes. For the vacuum system, the membrane is submerged in a metal or concrete tank and the water is pulled through the membrane by a pump. The submerged systems operate at a lower transmembrane pressure than do pressure systems.

Most membranes used in municipal water treatment are prepared from synthetic organic polymers. These membranes include those supplied by USFilter/Memcor, Zenon, Pall, Koch, and Norit. Inorganic membranes are available, such as the NGK ceramic membranes supplied by Kruger. Although the ceramic membrane is more expensive than the other MF and UF membranes, it does offer the following advantages: High flux rates (greater than 100 gfd); direct filtration of high turbidity water; long membrane life; high water recovery; minimized Clean-in-Place (CIP) requirements. CIP involves soaking the membranes in caustic and acid solutions to remove accumulated contaminants not removed by the normal backwash process.



NGK Ceramic Membrane Installation (Japan)

The general operation of the membrane types discussed above is basically the same. Particulates, microorganisms, and colloids are filtered from the water by the membrane. As more and more material is removed from the water, the operating pressure increases, so periodically the system is backwashed to remove the filtrate and return it back to original operating conditions. In addition to the normal backwashing, membranes need to be periodically cleaned chemically to remove any scale or particulate matter that is not removed with normal backwash. Some systems use a daily maintenance wash in which sodium hypochlorite is used. In addition to the maintenance wash, a “clean-in-place” (CIP) is used about every month to remove the accumulated organic and inorganic scales. Normally citric acid, caustic and a surfactant are used to soak the membranes during the CIP operation.



Picture of two Memcor submerged membrane systems (Yuba City, CA- upper left, and Bendigo, Australia- lower left), a Zenon 1000 membrane cassette module (South San Joaquin Irrigation District-upper right), and a Pall pressure membrane system (Yucaipa Valley Water District- lower right)

Disinfection Alternatives

Disinfection usually is the last step of a treatment process and provides the final barrier against pathogens prior to pumping to the distribution system. Types of disinfection presented in this section include ultraviolet light, chlorine, chloramines, and ozone. EPA and California Department of Public Health regulations require a certain combined log removal/disinfection pathogens based on the raw water quality. Conventional treatment with flocculation/sedimentation/filtration is given a maximum of 2.5 log removal credit of *Giardia* and 3-log removal credit of *Cryptosporidium*. Based on the raw water quality, a conventional surface water treatment plant may be required to provide an additional 2.5 log removal/disinfection for *Cryptosporidium*.

Membrane filters provide an absolute barrier against pathogens such as *Giardia*, *Cryptosporidium* and are approved by the California Department of Health Services (CDHS) for minimum four logs removal of *Giardia* and *Cryptosporidium*. With the use of membrane

filtration, only limited disinfection is needed primarily to provide a multi-barrier approach against pathogens and to provide a chlorine residual in the distribution system. The water is disinfected using UV disinfection, Chlorine, Chloramines or Ozone which are presented in the following paragraphs

Disinfection with UV

Ultraviolet (UV) light disinfection can be used as an effective barrier for the inactivation of many waterborne pathogens. UV light wavelengths range from 200 nm to 400 nm, the germicidal range is between 230 and 260 nm. Major components of UV systems include a chamber, UV lamps, quartz sleeves, cleaning system, ballasts, and a control system. The UV lamps are housed in quartz sleeves for protection from encrustation and breakage. There are three types of UV lamps used for disinfection: low pressure, low pressure/high intensity, and medium pressure. Low pressure lamps (both low pressure and low pressure high intensity) produce a monochromatic wave that is primarily in the germicidal range. Medium pressure systems are polychromatic, producing wavelengths over the entire UV range.

The cleaning systems are necessary to keep the quartz sleeves clean so that the UV can be transmitted into the water. Cleaning frequency, as well as the type of chemicals used, depends on the water quality. Both chemical/mechanical and mechanical self-cleaning systems are available on low pressure/high intensity or medium pressure systems. Low pressure systems generally require manual cleaning.

Transmittance is the ability of UV light to travel through water. For example, high turbidity water will have a low transmittance. Waters with low transmittance will require a greater dosage of UV to achieve adequate disinfection; therefore, UV is not typically applied to high turbidity, low transmittance waters. UV irradiation would need to be applied to filtered water.

UV disinfection does not leave any residual in the finished water. Therefore, if UV is used as the primary disinfection, a chemical disinfectant (such as chlorine or chloramines) will still be needed to protect water in the distribution system as required by regulation. Chloramines are not required for low TOC waters such as found in the proposed Mokelumne River water supply and will therefore be eliminated from further consideration.

The advantage of UV disinfection compared with using chlorine is that UV disinfection does not produce known disinfection by products (DBPs) and UV is proven to inactivate *Cryptosporidium* oocysts. Because a chlorine residual is required for water leaving a surface water treatment plant, the lack of DBP formation by UV is of little value since DBPs could be formed in the distribution system. However, since chlorine is not effective in *Cryptosporidium* oocysts inactivation, UV disinfection may be necessary to comply with the regulatory requirements for pathogen removal at the proposed SWTF, if media filtration is selected. For source waters with low TOC such as the Mokelumne River, UV disinfection is normally not used after membrane filtration because membranes are able to remove both *Cryptosporidium* oocysts and *Giardia* cysts.

Chlorine

Chlorine in the form of chlorine gas or sodium hypochlorite has been the most widely used chemical for drinking water disinfection. Chlorine is a relatively inexpensive disinfectant, and it has been very effective for the inactivation of many kinds of microorganisms. This has contributed to its widespread usage.

Free chlorine has some limitations that can be handled in the design:

First, its effectiveness is pH dependent. At pH values above 7, hypochlorous acid (HOCl), the more powerful form of free chlorine, disassociates to form hypochlorite ion, OCl-, a weaker disinfectant. Thus, as the pH increases above pH 7, free chlorine disinfection is less effective. To address this issue, the clearwell will be baffled and sized to provide the needed contact time.

Second, using free chlorine as a disinfectant forms DBPs such as trihalomethane (THM) and haloacetic acid (HAA) if TOC levels are high. The average TOC level in the raw water is less than 2.0 mg/L which minimizes the concern for DBPs. Coagulant can be fed to reduce TOC levels, if needed.

Third, chlorine is not an effective disinfectant for *Cryptosporidium*. UV disinfection or membranes can be utilized to inactivate or remove *Cryptosporidium*.

Chlorine has been used effectively as a disinfectant for many years by many utilities. The use of free chlorine at the proposed SWTF as the primary disinfectant and to provide a chlorine residual in the distribution system will be a viable following membrane filtration. For conventional treatment, UV disinfection may be required as the primary disinfectant with chlorine used for the distribution system residual.

Chloramines

Chloramines have become more widely used due to their ability to provide disinfection without substantial THM formation. Taste and odor control and maintenance of a more stable residual in distribution systems are other benefits of chloramine usage. If improperly managed, however, the application of chloramines can support bacterial growth in the distribution system as well as cause nitrification problems. Another drawback of chloramines is that if used, kidney dialysis patients and people with fish tanks must be informed to remove the chloramines or risk of damage to dialysis equipment or killing of fish.

Chloramination is accomplished by combining free chlorine with ammonia or an ammonium salt, to form chloramine. Chloramine is not as strong as chlorine for disinfection, and it is not recommended as a primary disinfectant by the USEPA. Chloramine does, however, form a persistent disinfectant residual, and is used by numerous water utilities for maintenance of a residual in the distribution system. Chloramine is slower to react with substances on the walls

of water mains, thus it has a better opportunity to penetrate tubercles and biofilms and kill resident bacteria.

Chloramination would not be suitable as the only disinfectant, but chloramines are effective secondary disinfectants for maintenance of a residual in the distribution system.

Chloramination is not considered a viable secondary disinfectant for the proposed SWTF. It should only be considered if TOC levels become higher and DBP formation becomes a concern.

Ozone

Ozone is more effective than other chemical disinfectants against *Cryptosporidium*. Ozone must be generated on site and it dissipates rapidly in water so that a residual can not be maintained with ozone. Ozone also breaks down organics in water into smaller molecules that are more easily used by microorganisms. These organic molecules must be removed with a biological active filter to minimize biological growth in the distribution system. In water treatment applications ozone is used more frequently as an oxidant for taste and odor control than as a disinfectant. Given its high expense, ozone is not justified for treating water from the Mokelumne River.

Alternatives for Ancillary Treatment

In addition to the three basic treatment categories discussed above: pretreatment, filtration, and disinfection; many other ancillary treatment units and/or chemicals are needed to achieve the treatment goals such as providing taste and odor removal and corrosion control. The ancillary treatment units and chemicals appropriate to membrane filtration and conventional filtration are incorporated into the two treatment alternatives discussed in the following sections.

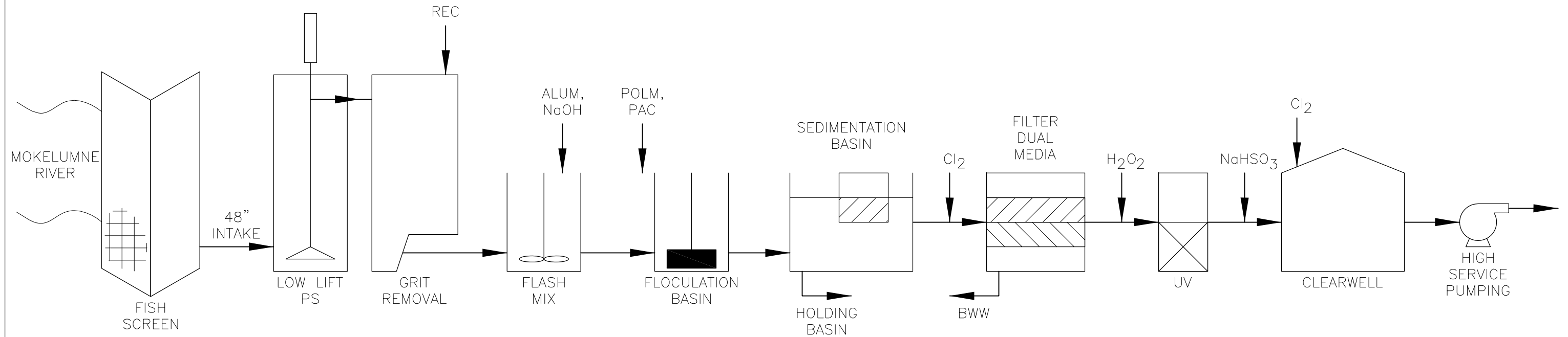
Conventional Treatment Alternative

Schematic

A schematic of the conventional treatment process train for the City of Lodi SWTF is presented in Figure 2. The schematic shows onsite solids handling with disposal to a landfill. If determined to be cost-effective, the solids from the plate settler could be discharged directly to the sewer for processing at the City's White Slough Water Pollution Control Facility.

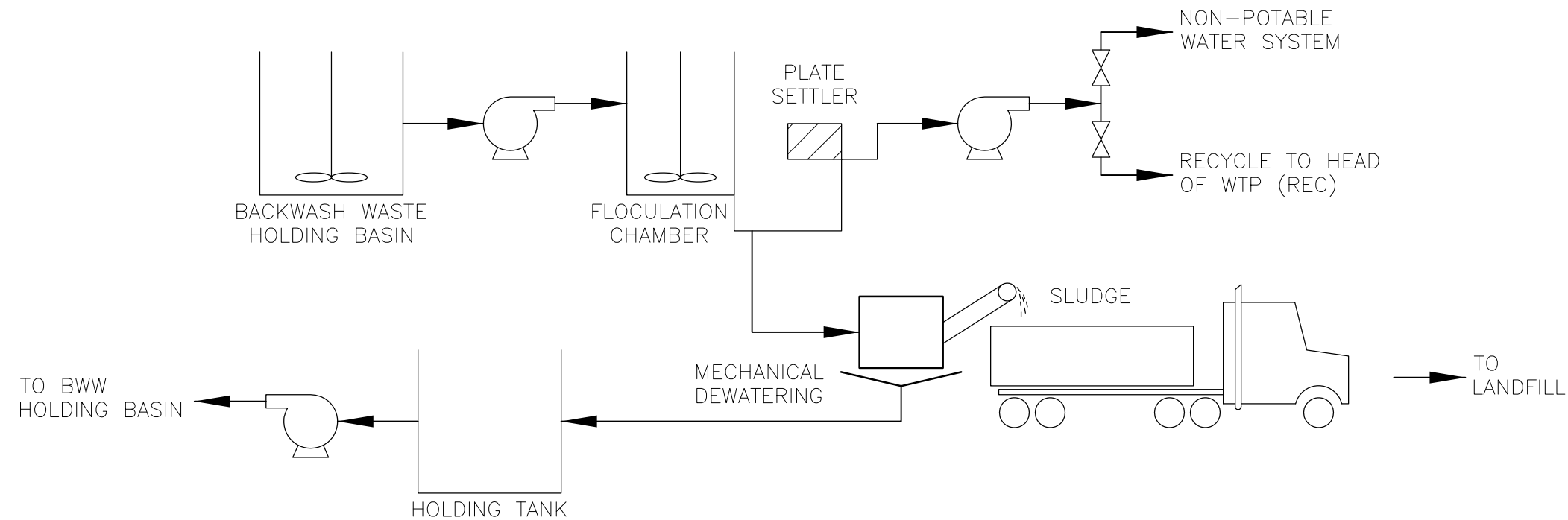
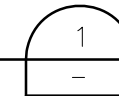
Design Criteria

The design criteria of the conventional treatment system are summarized in Table 8.



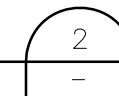
CONVENTIONAL TREATMENT

SCALE: NONE



CONVENTIONAL WTP SOLIDS HANDLING

SCALE: NONE



HDR

FLOW SCHEMATIC CONVENTIONAL TREATMENT

CITY OF LODI – SURFACE WATER TREATMENT FACILITY

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FIGURE
2

Table 8. Conventional Treatment Alternative Design Criteria

Item	Value
Low Lift Pump Station:	
Pump Station Dimension	50 feet x 60 feet
Number of Pumps	4 (3 working, 1 standby)
Pump Capacity	3,000 gpm @ 30 feet TDH
Pump Motor Information	1,800 rpm max; 40 HP each
Flash Mix:	
Inline Mixer	2 HP
Mixing intensity (G Value)	1,000 Second ⁻¹
Flocculation Basin (3), Each Basin:	
Flow	3,000 gpm
Detention Time	20 minutes
Volume	8,021 cubic feet
Length	40 feet
Width	16 feet
Water Depth	12.5 feet
Sedimentation With Plate Settlers (2), Each Plate Settler:	
Flow	4,500 gpm
Detention Time	30 minutes
Volume	135,000 gal
Length	50 feet
Width	24 feet
Water Depth	15 feet
Surface Loading For Each Plate	0.3 gpm/ft ²
Dual Media Filters (4 total, 3 working 1 standby), Each Filter:	
Flow	3,000 gpm
Max Filtration Rate	6.0 gpm/ft ²
Filter Area	500 square feet
Filter Media	24 inch anthracite and 12 inch sand
Backwash Water	20 gpm/ft ² maximum
Backwash Air	5 scfm/ft ² maximum
UV Reactors (3 total, 2 working 1 standby), Each Reactor:	
Maximum Flow	4,500 gpm
Average Flow	3,000 gpm
Minimum Flow	1,500 gpm
Design Dose	40 mJ/cm ² (for 4 log <i>Cryptosporidium</i> disinfection)
Filtered Water UV Transmittance	55 percent
Clearwell:	

Item	Value
Capacity	2.0 MG
Dimension	120 feet diameter by 24 feet deep
Baffling system	Hypalon baffles to achieve T_{10}/T ratio of 0.75
High Service Pumping:	
Pump Station Dimension	50 feet x 60 feet
Number of Pumps	4 total (3 working, 1 standby)
Pump Capacity	3,000 gpm @ 200 feet TDH
Pump Motor Information	1,800 rpm max; 200 HP each (2 motors operated with VFDs)
Backwash Holding Basin:	
Dimension	70 feet x 70 feet x 12 feet (deep)
Volume	432,000 gallon (two filter backwash volumes)
Backwash Recovery Plate Settler:	
System Components	Flash mix tank, flocculation tank, inclined plate clarifier, thickener
Capacity	1.5 MGD
Residuals Handling System [1]:	
Design solids generation rate	900 lb/day (dry solids basis)
Plate Settler/Gravity Thickener Footprint	20 feet W x 30 feet L x 25 feet H
Dewatering Equipment Type	Slow speed screw press
Dewatering Equipment Feed Rate	50 gpm
Equipment Area Dimension	40 feet x 60 feet
Chemical Area (include Alum, NaOH, Polymer, Chlorine, PAC, NaHSO₃, H₂O₂):	
Dimension	60 feet x 60 feet
Alum Dose	20 mg/L maximum, 10 mg/L average
NaOH Dose	20 mg/L maximum, 10 mg/L average
Polymer Dose	0.5 mg/L maximum, 0.2 mg/L average
Chlorine Dose	2.5 mg/L maximum, 1.0 mg/L average
PAC Dose	15 mg/L maximum, periodic for T&O control
NaHSO ₃	3 mg/L maximum (optional)
H ₂ O ₂	3 mg/L maximum (optional)

1. If residuals are discharged to the sewer, the screw press will not be needed and 600 sf less building space will be required.

Building Considerations

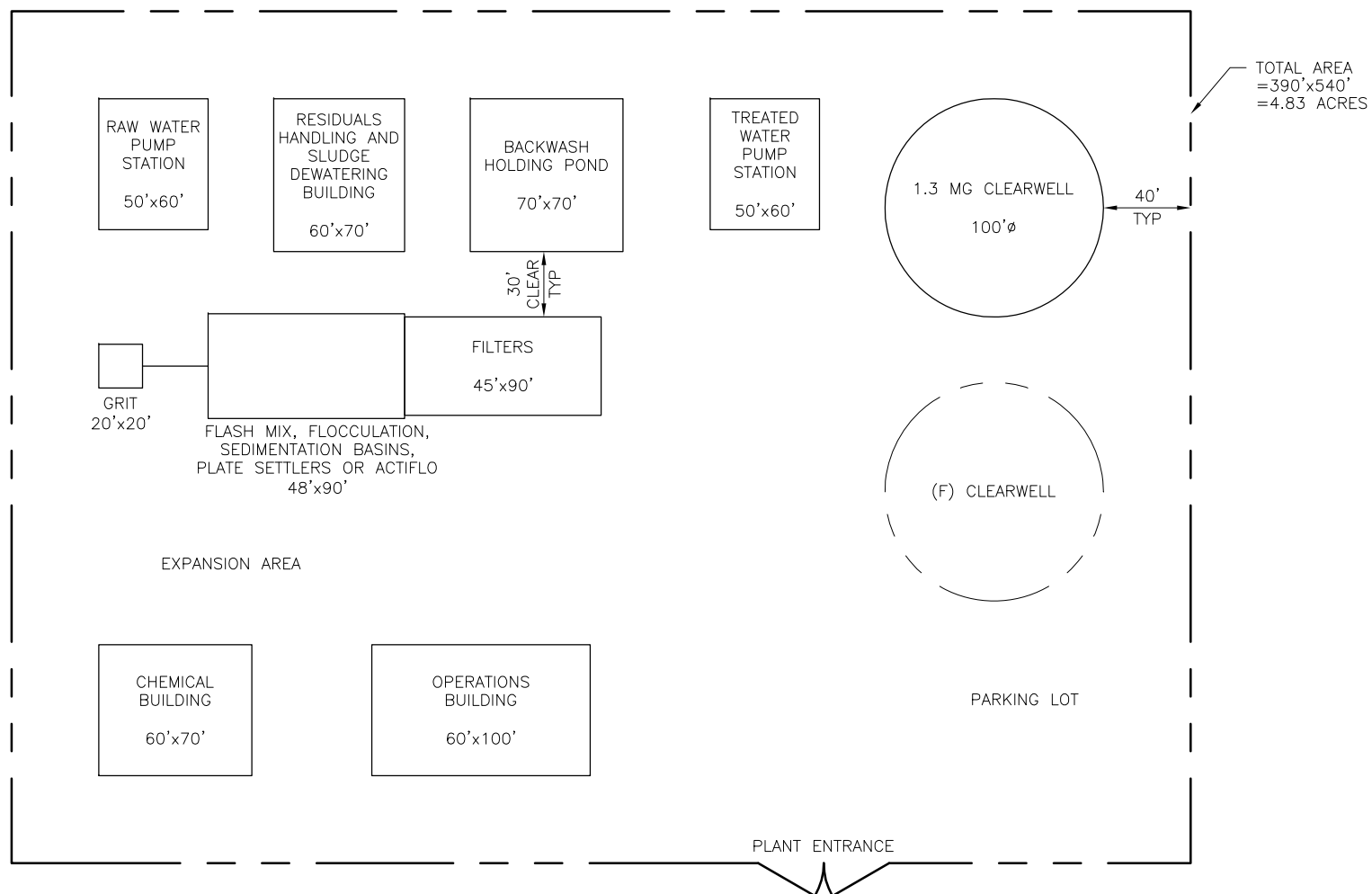
The chemical storage and feed systems, and dewatering equipment should be housed in a single building or two separate buildings. In addition to the above, building space should be provided for a lobby, offices for operations staff, a meeting room, a small laboratory for routine water quality analysis, storage room, and a maintenance/workshop room. The building architecture will be selected to enhance and compliment the surrounding area.

Site Layout

A conceptual site layout of the conventional treatment process is presented in Figure 3.

Capital and O&M Costs

Capital and O&M costs for conventional treatment are presented in Table 9. These are planning level costs for purposes of comparing conventional and membrane treatment alternatives. The cost estimates do not include additional elements of the project such as well site improvements and distribution piping additions, nor do they reflect a specific site and associated development costs. This preliminary estimate assumes that sludge is dewatered on-site and then hauled to a landfill for disposal.



PLANT LAYOUT

SCALE: 1"=50'

HDR

PLANT LAYOUT CONVENTIONAL TREATMENT

CITY OF LODI - SURFACE WATER TREATMENT FACILITY

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FIGURE
3

Table 9. Conventional Treatment Alternative Capital and O&M Costs Preliminary Estimates

Item	Unit Cost	Quantity	Total
Mobilization, Demobilization, General Conditions	\$ 1,500,000	1	\$ 1,500,000
Site work (general)	\$ 850,000	1	\$ 850,000
Landscaping	\$ 250,000	1	\$ 250,000
Site Piping	\$ 1,500,000	1	\$ 1,500,000
Raw Water Pump Station - 9,200 gpm	\$ 700,000	1	\$ 700,000
Flash mix, flocculation and sedimentation basin	\$ 0.28	12,000,000	\$ 3,360,000
Dual media filters, sf	\$ 1,800	2,000	\$ 3,600,000
Chemical Systems	\$ 800,000	1	\$ 800,000
Finished Water Storage Tank (1.3 MG steel)	\$ 0.65	1,300,000	\$ 845,000
Finished Water Booster Pump Station - 8,340 gpm	\$ 800,000	1	\$ 800,000
Backwash holding tank	\$ 0.80	300,000	\$ 240,000
Backwash Residuals Handling System	\$ 1,200,000	1	\$ 1,200,000
Operations Building - 15,000 SF	\$ 200	10,000	\$ 2,000,000
SUBTOTAL			\$ 17,645,000
Electrical Power Distribution Systems			\$ 2,647,000
Instrumentation and Controls			\$ 529,000
SUBTOTAL WTP			\$ 20,821,000
Unaccounted for Items (5%)			\$ 1,041,000
Contingency (20%)			\$ 4,164,000
TOTAL CONSTRUCTION COST			\$ 26,026,000
Engineering: design, services during construction, and construction management			\$ 5,205,000
Bond financing expenses (does not include interest)			\$ 312,000
TOTAL CAPITAL COST			\$ 31,543,000
ANNUAL O&M COSTS			
CHEMICALS:			
CHLORINE (CT, 3 mg/L)	\$0.30	54,750	\$16,425
POLYMER (0.2 PPM, FILTER AID)	\$5	3,650	\$18,250
ALUM (12 PPM)	\$0.15	440,000	\$66,000
LABOR, HR	\$40	9,000	\$360,000
POWER @ \$.07/kW hr	\$0.07	3,910,000	\$273,700
SLUDGE DISPOSAL, LS	\$24,000	1	\$24,000
SED BASIN & FILTER EQUIP REPLACEMENT	\$35,000	1	\$35,000
TOTAL ANNUAL O&M COSTS			\$793,375
PRESENT WORTH O&M COSTS	5%, 20 years		\$9,887,000
TOTAL PRESENT WORTH			\$41,430,000

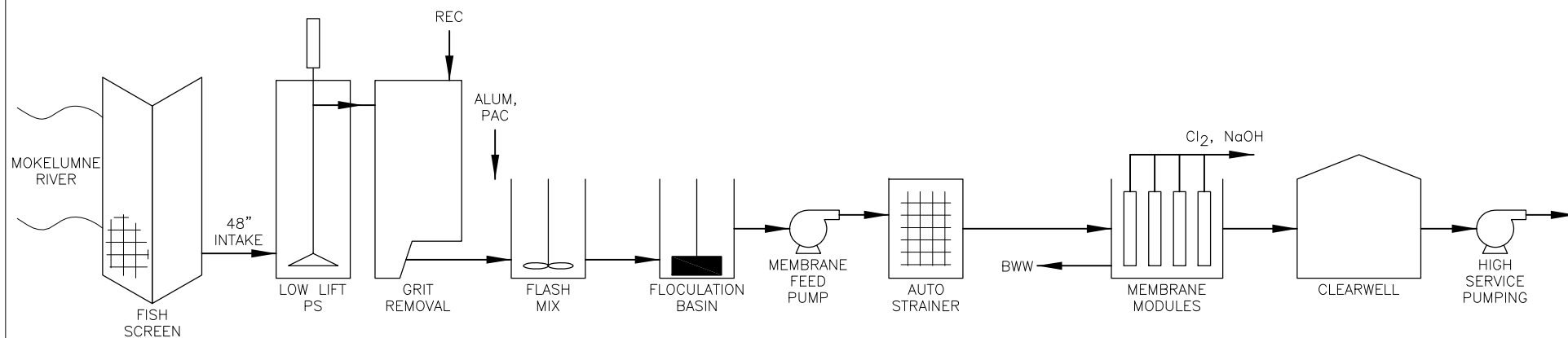
Membrane Treatment Alternative

Schematic

A schematic of the membrane treatment process train for the City of Lodi SWTF is shown in Figure 4.

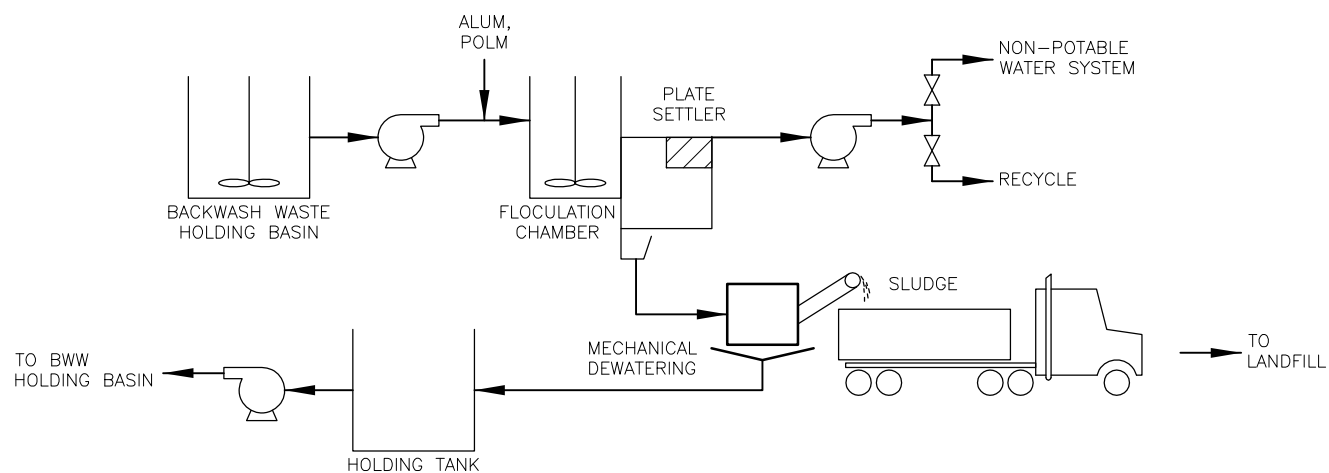
Design Criteria

The design criteria of the membrane treatment system based on a pressure vessel membrane configuration are summarized in Table 10.



MEMBRANE TREATMENT

SCALE: NONE



MEMBRANE SOLIDS HANDLING

SCALE: NONE



HDR

FLOW SCHEMATIC MEMBRANE TREATMENT

CITY OF LODI - SURFACE WATER TREATMENT FACILITY

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FIGURE
4

Table 10. Membrane Treatment Alternative Design Criteria

Item	Value
Low Lift Pump Station:	
Pump Station Dimension	50 feet x 60 feet
Number of Pumps	4 (3 working, 1 standby)
Pump Capacity	3,000 gpm @ 30 feet TDH
Pump Motor Information	1,800 rpm max; 40 HP each
Flash Mix:	
Inline Mixer	2 HP
Mixing intensity (G Value)	1,000 Second ⁻¹
Flocculation Basin (3), Each Basin:	
Flow	3,000 gpm
Detention Time	10 minutes
Volume	4,011 cubic feet
Length	40 feet
Width	8 feet
Water Depth	12.5 feet
Feed pumps/Autostrainers:	
Feed pump: Number Capacity Horsepower	1 per train 1,500 gpm @80 ft TDH 40 hp
Autostrainers Type/Number	Automatic Self-cleaning with 0.5 mm screen/3
Flow	3,000 gpm
Membrane Trains (7 total, 6 working 1 standby), Each Train:	
Net Capacity	2.0 MGD
Number of Modules per train	84
Water Temperature	15°C Summer, 5°C Winter
Instantaneous Flow per Module	17.5 gpm
Design Flux	55 gal/SF/day (gfd)
Backwash Interval	30 minutes
CIP Interval	60 days
Chlorine Maintenance Wash Interval	36 hours
Acid Maintenance Wash Interval (if needed)	120 hours
Estimated Recovery	95%
CIP Waste	1,400 gpd
Maintenance Wash Waste	22,400 gpd
Clearwell:	
Capacity	2 MG
Dimension	120 feet diameter by 24 feet deep
Baffling system	Hypalon baffles to achieve T ₁₀ /T ratio of 0.75

Item	Value
High Service Pumping:	
Pump Station Dimension	50 feet x 60 feet
Number of Pumps	4 (3 working, 1 standby)
Pump Capacity	3,000 gpm @ 200 feet TDH
Pump Motor Information	1,800 rpm max; 200 HP each (2 motors on VFDs)
Backwash Holding Tank:	
Dimension	40 ft diameter x 16 ft high
Working Volume	130,000 gallon
Backwash Recovery Plate Settler:	
System Components	Flash mix tank, flocculation tank, inclined plate clarifier, thickener
Capacity	1.0 MGD
Residuals Handling System[1]:	
Design solids generation rate	500 lb/day (dry solids basis)
Plate Settler/gravity thickener footprint	15 feet x 25 feet
Dewatering Equipment Type	Slow speed screw press
Dewatering Equipment Feed Rate	25 gpm
Equipment Area Dimension	30 feet x 40 feet
Chemical Area (include Alum, NaOH, Polymer, Chlorine, PAC, NaHSO₃, H₂O₂):	
Dimension	60 feet x 60 feet
Alum Dose	20 mg/L maximum, 10 mg/L average
NaOH Dose	20 mg/L maximum, 10 mg/L average
Polymer Dose	0.5 mg/L maximum, 0.2 mg/L average
Chlorine Dose	2.5 mg/L maximum, 1.0 mg/L average
PAC Dose	15 mg/L maximum, periodic for T&O control
NaHSO ₃	3 mg/L maximum (optional)
H ₂ O ₂	3 mg/L maximum (optional)

1. If residuals are discharged to the sewer, the screw press will not be needed and 600 sf less building space will be required.

Building Considerations

The membrane equipment, chemical storage and feed systems, and dewatering equipment should all be housed in a single building or separate buildings. In addition to the above, building space should be provided for a lobby, offices for operations staff, a meeting room, a small laboratory for routine water quality analysis, storage room, and a maintenance/workshop room. For prudent planning, the building should be oversized to accommodate addition of future membrane trains should they be needed. The building architecture will be selected to enhance and compliment the surrounding area. Examples of membrane plant operations buildings are shown in the photos below.



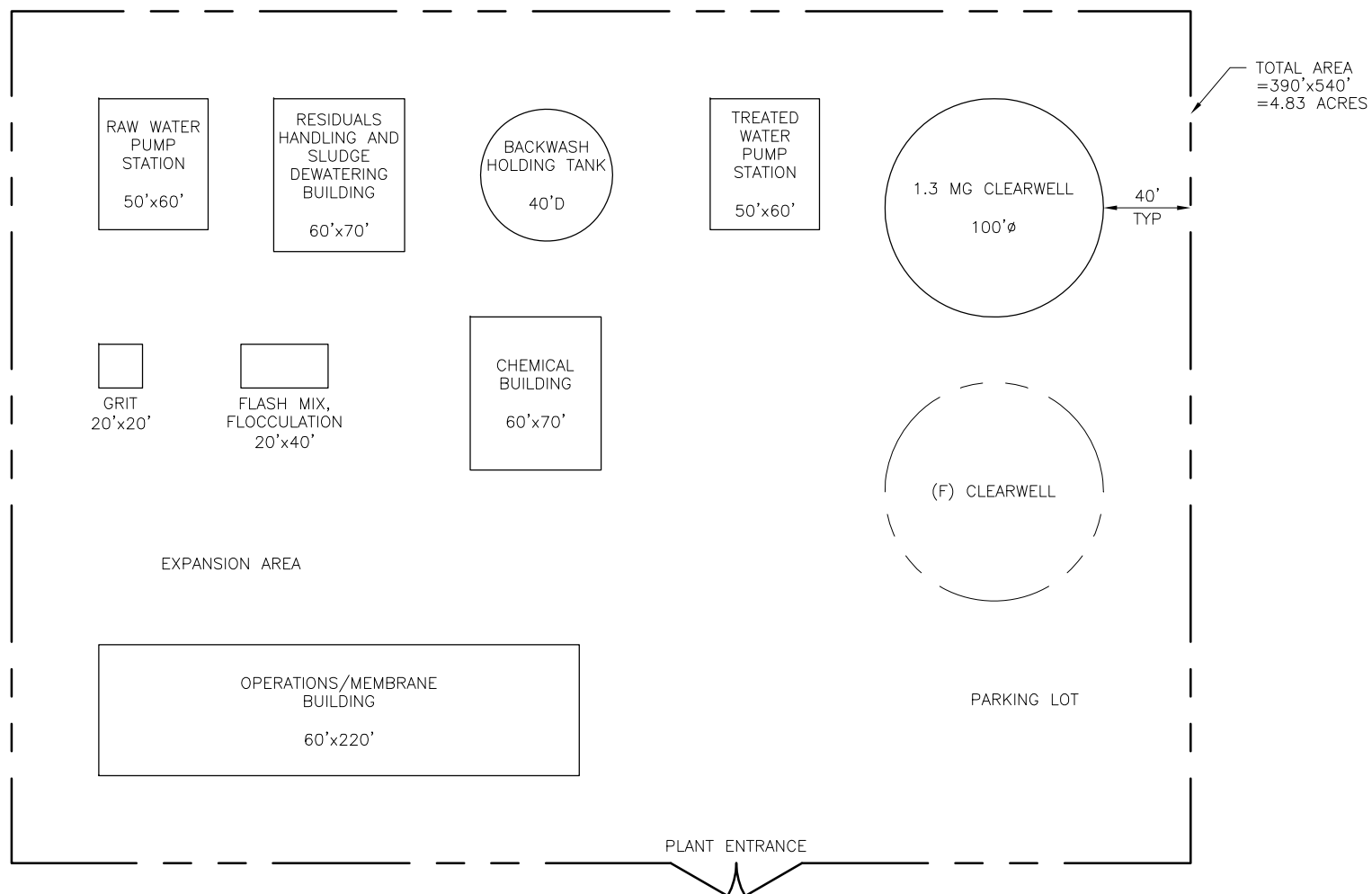
Membrane Operations Building (Yucaipa Valley Water District)



Membrane Operations Building (Roanoke, VA)

Site Layout

A conceptual site layout of the membrane treatment process is presented in Figure 5.



PLANT LAYOUT

SCALE: 1"=50'

HDR

PLANT LAYOUT MEMBRANE TREATMENT

CITY OF LODI – SURFACE WATER TREATMENT FACILITY

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FIGURE
5

Capital and O&M Costs

Capital and O&M costs for membrane treatment are presented in Table 11. These are planning level costs for purposes of comparing conventional and membrane treatment alternatives. The cost estimates do not include additional elements of the project such as well site improvements and distribution piping additions, nor do they reflect a specific site and associated development costs. This preliminary estimate assumes that sludge is dewatered on-site and then hauled to a landfill for disposal.

Table 11. Membrane Treatment Alternative Capital and O&M Costs Preliminary Estimates

Item	Unit Cost	Quantity	Total
Mobilization, Demobilization, General Conditions	\$1,500,000	1	\$ 1,500,000
Site work (general)	\$850,000	1	\$ 850,000
Landscaping	\$ 250,000	1	\$ 250,000
Site Piping	\$1,500,000	1	\$ 1,500,000
Raw Water Pump Station - 9,200 gpm	\$700,000	1	\$ 700,000
Autostrainers	\$250,000	1	\$ 250,000
MF Membrane Filtration System (12 mgd)	\$ 0.60	12,000,000	\$ 7,200,000
Chemical Systems	\$ 500,000	1	\$ 500,000
Finished Water Storage Tank (1.3 MG steel)	\$0.65	1,300,000	\$ 845,000
Finished Water Booster Pump Station - 8,340 gpm	\$800,000	1	\$ 800,000
Backwash holding tank	\$0.80	100,000	\$ 80,000
Backwash Residuals Handling System	\$800,000	1	\$ 800,000
Operations Building - 15,000 SF	\$200.00	15,000	\$ 3,000,000
SUBTOTAL			\$18,275,000
Electrical Power Distribution Systems			\$ 2,741,000
Instrumentation and Controls			\$ 548,000
SUBTOTAL WTP			\$ 21,564,000
Unaccounted for Items (5%)			\$ 1,078,000
Contingency (20%)			\$ 4,313,000
TOTAL CONSTRUCTION COST			\$ 26,955,000
Engineering: design, services during construction, construction management			\$ 5,391,000
Bond financing expenses			\$ 323,000

Item	Unit Cost	Quantity	Total
TOTAL CAPITAL COST			\$32,669,000
ANNUAL O&M COSTS			
CHEMICALS:	Unit Cost	Quantity	Total
CHLORINE (CT), LB	\$0.30	54,750	\$16,425
CHLORINE (CIP), LB	\$0.30	12,000	\$3,600
CITRIC ACID (50% W/W), LB	\$0.50	4,000	\$2,000
SODIUM BISULFITE (38% W/W), LB	\$0.50	3,400	\$1,700
SODIUM HYDROXIDE (50% W/W), LB	\$0.08	3,400	\$272
ALUM (3 PPM), LB	\$0.15	92,000	\$13,800
LABOR, HR	\$40	7,000	\$280,000
POWER @ \$.07/kW hr	\$0.07	4,038,000	\$282,660
SLUDGE DISPOSAL, LS	\$4,000	1	\$4,000
MEMBRANE REPLACEMENT (10 YEAR LIFE), LS	\$25,000	1	\$25,000
TOTAL ANNUAL O&M COSTS			\$613,032
PRESENT WORTH O&M COSTS (5%, 20 YEARS)			\$7,640,000
TOTAL PRESENT WORTH (CAPITAL + PW O&M)			\$40,309,000

Advantages and Disadvantages of Alternatives

Both conventional filtration and membrane filtration can be used at the proposed City of Lodi's SWTF. The advantages and disadvantages of membrane filtration compared with conventional medial filtration are summarized in this section.

Advantages

The advantages of the membrane process are:

- Membranes provide a positive barrier for the removal of all microbials and most pathogens, which increases the flexibility of the system to meet future regulations.
- The overall footprint for the facility is smaller than conventional surface water treatment processes.
- The overall treatment process is easy to expand by adding trains.

- With the automation of the process and the entire plant, the operational personnel requirement is lower.
- Less pretreatment is required only flocculation is needed. Sedimentation is not necessary.
- Less disinfection is required and thus lower DBP concentration is expected.
- Less chemical for flocculation and pH adjustment is needed.
- The operation of the facility is flexible to accommodate changing raw water quality.
- The total present worth of the membrane alternative is slightly less than for the conventional treatment alternative.

The advantages of Conventional treatment are:

- It is a proven process with many years of experience.
- The capital cost is slightly less than for membranes.

Disadvantages

The disadvantages of the Membrane process are:

- During high turbidity events of winter runoff, the plant capacity may be reduced and the City's groundwater wells may have to be used as the primary source of water supply. This is not a significant problem because the wells have ample capacity to meet winter demands.
- The membrane treatment system will require approximately 2.5 percent more power consumption compared to conventional filtration.

The disadvantages of Conventional treatment are:

- Conventional filtration relies on chemical destabilization of particles for pathogen removal and is not as reliable as membrane treatment.
- Greater chemical usage and annual operating costs.
- Higher present worth cost.

Recommendations

Based on the evaluation presented above, it is our recommendation that the City select low pressure membrane filtration for the proposed SWTF. The decision on which low pressure membrane system to use will be made based on further evaluation during the predesign stage. The City could decide whether to pre-purchase the membrane system after further evaluation of individual membranes or provide a general design and select the membrane system during the project bid period.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Negotiate Change Orders up to \$7,750,000 with Western Water Constructors, Inc., of Santa Rosa, for Emergency Repair of Domestic Outfall Sewer Pipeline

MEETING DATE: October 17, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution declaring a local emergency for the Domestic Outfall Sewer Pipeline; dispensing the City's bidding requirements in accordance with LMC §3.20.070; and authorizing the City Manager to negotiate change orders of up to \$7,750,000 with Western Water Constructors, Inc., of Santa Rosa, for the emergency repair of the Domestic Outfall Sewer Pipeline.

BACKGROUND INFORMATION: The City of Lodi's Domestic Outfall Sewer Pipeline (pipeline) was constructed in the late 1960's of unlined reinforced concrete pipe. It conveys an average of 6.5 million gallons of wastewater per day from the City of Lodi to the White Slough Water Pollution Control Facility (WSWPCF) that is located approximately five (5) miles to the southwest of town.

Certain locations of the pipeline condition were evaluated numerous times since its original construction, however, the entire alignment was not assessed until recently. The most recent assessment revealed that portions are severely corroded and the pipeline is in need of rehabilitation. In response, the City has been repairing areas of concern and planning a pipeline repair project scheduled to commence in the spring of 2008.

However, a recent event highlights the need to perform the repairs immediately. A construction worker replacing a corroded segment under Thornton Road fell through another unstable section of the pipeline. Thankfully, the worker was not injured (the pipe was empty at the time as flows were being diverted to conduct the repairs). The event, however, clearly shows the potential risks associated with not taking immediate action. Staff has advised property owners along the alignment of the situation and has recommended safeguards for them to observe until further notice.

In response to this urgent situation and to expedite the pipeline repair, staff recommends the Council authorize the City Manager to negotiate a change order with Western Water Constructors, Inc., (WWC). WWC is currently under contract with the City to construct the WSWPCF Phase 3 Improvements. The company has a long-standing relationship with the City, in addition to Phase 3, as it has successfully completed the WSWPCF Phase 1 and Phase 2 Improvements. All three project phases were competitively bid in accordance with State Public Contract Code and Phase 1 and 2 were completed on time and on budget. The company continues to exhibit fair, very cost effective, and responsive management practices while delivering top quality construction work during the current Phase 3 improvements. Their success is in part contributed to their familiarity with the City's facilities and

APPROVED: _____
Blair King, City Manager

infrastructure operation. In addition, the company has already performed spot repairs in the pipeline and has a good knowledge of local conditions.

Staff is confident that by executing a change order with WWC for the pipeline work, the City will enjoy a very competitive price for the work while taking the most expeditious path toward completing the repair and eliminating the risks associated with a pipeline susceptible to collapse.

FISCAL IMPACT: The Domestic Outfall Sewer Pipeline has reliably served the City for over 40 years, which is the typical life expectancy of non-lined reinforced concrete pipe. Though it is recommended the City's bidding requirements be dispensed, the cost of the repairs will likely be equal to or less than if the project was competitively bid due to the City's good relationship with the contractor. The total cost of the repair is estimated at \$7,750,000. By repairing the pipeline, the City will mitigate its current risk of exposure to loss of life and/or property damage.

FUNDING AVAILABLE: The project will be funded by proceeds from proposed 2007 Certificates of Participation scheduled to be sold in late November of this year.

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by Charlie Swimley, Water Services Manager

RCP/CES/pmf

cc: Western Water Constructors, Inc.
West Yost & Associates

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL DISPENSING WITH THE
CITY'S BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER
TO NEGOTIATE CHANGE ORDERS WITH WESTERN WATER
CONSTRUCTORS, INC., OF SANTA ROSA FOR EMERGENCY
REPAIR OF DOMESTIC OUTFALL SEWER PIPELINE

=====

WHEREAS, the City of Lodi's Domestic Outfall Sewer Pipeline (pipeline) was constructed in the late 1960's of unlined reinforced concrete pipe and conveys an average of 6.5 million gallons of wastewater per day from the City of Lodi to the White Slough Water Pollution Control Facility (WSWPCF); and

WHEREAS, certain locations of the pipeline condition were evaluated numerous times since its original construction, however, the most recent assessment has revealed that portions of the pipeline are severely corroded and are subject to potential collapse; and

WHEREAS, recent events involving a construction worker falling through an unstable section of the pipeline clearly shows the potential risks associated with not taking immediate action; and

WHEREAS, Western Water Constructors, Inc., of Santa Rosa, is currently working for the City at WSWPCF, has made some repairs to the pipeline, is familiar with the project and has performed in a cost-effective manner on the WSWPCF project; and

WHEREAS, staff recommends authorizing the City Manager to negotiate contract change orders of up to \$7,750,000 with Western Water Constructors, Inc., for work associated with the emergency repair of the Domestic Outfall Sewer Pipeline.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby declares a local emergency for the Domestic Outfall Sewer Pipeline; dispenses the City's bidding requirements for this project; and authorizes the City Manager to negotiate change orders of up to \$7,750,000 with Western Water Constructors, Inc., of Santa Rosa, for the emergency repair of the Domestic Outfall Sewer Pipeline.

BE IT FURTHER RESOLVED that the Lodi City Council has appropriated in the 2007/2008 Wastewater Capital Outlay Budget funding by proceeds from proposed 2007 Certificates of Participation scheduled to be sold in late November of this year.

Dated: October 17, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$58,949.28).

MEETING DATE: October 17, 2007 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$52,351.58, and various other cases being handled by Outside Counsel in the amount of \$6,597.70.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskowitz, Tiedemann & Girard; and Miscellaneous Invoices for services incurred relative to the Environmental Abatement Program litigation and various other matters that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct. Amount
8002	104346	Aug-07	People v M&P Investments	6,649.92
	15163	Jul-07	PES Environmental, Inc.(Keith Obrien)	26,013.43
	7024	May-07	West Environmental Services	7,367.78
	103591	Jul-07	Hartford Client Charges/Costs	10,110.45
Total				\$50,141.58

Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323	Water Acct.
11233.001	234883	09/25/07	General Advice	26.40	
11233.026	234883	09/25/07	Lodi First v. City of Lodi	4,561.00	
11233.027	234883	09/25/07	Citizens for Open Government v.	262.85	
11233.029	234883	09/25/07	AT&T v. City of Lodi	1,277.45	
11233.030	234883	09/25/07	Water Supply Issues-Not Pce Related		470.00
Total				\$6,127.70	\$470.00

APPROVED:

Blair King, City Manager

MISCELLANEOUS			Water Account
Invoice No.	Date	Description	Amount
1347454-100	9/27/2007	JAMS Mediation Services	550.00
20069594	9/20/2007	Legalink, Inc.	719.50
20069814	9/20/2007	Legalink, Inc.	940.50
			<u>\$2,210.00</u>

FISCAL IMPACT: Expenses in the amount of \$6,127.70 will be paid out of the General Fund and \$4,823.85 billed to Walmart for City's defense of the Lodi First litigation and Citizens for an Open Government. The remaining expenses will be paid out of the Water Fund and the Capital Outlay Fund.

FUNDING AVAILABLE:	Water Fund	\$52,821.58
	General Fund	\$ 6,127.70

Approved: _____
Stephen Schwabauer, City Attorney

Approved: _____
Kirk Evans, Budget Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider and Provide Direction with Regard to Participation in the San Joaquin County Enterprise Zone Application

MEETING DATE: October 17, 2007

PREPARED BY: City Manager

RECOMMENDED ACTION: Consider the proposal to participate with the San Joaquin County Enterprise Zone Application, and if so desired, appropriate funds, adopt resolution of participation, direct the City Manager to execute a commitment letter, and take whatever other actions needed.

BACKGROUND INFORMATION: The County of San Joaquin has requested that Lodi participate in an application for a new "Enterprise Zone" designation. The previous Stockton/San Joaquin County Enterprise Zone will expire in 2008. In order to provide a more competitive application, Lodi has been asked to participate. The deadline date for the application is October 26, 2007. The Council and city staff has had a limited time to respond to the invitation to participate.

A presentation will be made at the Council meeting. However, the biggest issue is the financial obligation of participation in the Enterprise Zone vs. the return on investment. In brief, direct participation costs in the County Enterprise Zone include, but are not limited to, \$23,024 per year for Enterprise Zone administration, \$8,972 one-time payment for application costs, approximately \$25,000 for one-third of an Economic Development Specialist, (The position is currently vacant and would need to be filled), and the unidentified costs of local incentives, such as fee reductions or waivers and one-stop permit centers.

These funds would be used as an economic development tool to attract and expand businesses. The policy consideration for the Council is not whether it supports economic development, but the prioritization of which economic development tools it wishes to develop with local resources. In other words, which economic development strategy will produce the greatest return on investment? Which economic development tool should the Council focus on? Although not mutually exclusive, here is a brief listing of economic development strategies:

- Land annexed, zoned, and available for economic development activity
- In-house economic development staff position
- Permit expeditor position targeted for business within the Community Development Department
- Local grant program, façade improvements, business expansion, and other economic development tools
- Redevelopment Project area

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

Blair King, City Manager

APPROVED: _____
Blair King, City Manager

CITY OF _____
RESOLUTION NO. _____
RESOLUTION OF _____ CITY COUNCIL AUTHORIZING
APPLICATION TO STATE OF CALIFORNIA FOR SAN JOAQUIN COUNTY
ENTERPRISE ZONE

WHEREAS, the City of _____ and other public entities are submitting a joint application for a California Enterprise Zone, to be known as the San Joaquin County Enterprise Zone, to the California Department of Housing and Community Development (the Department) on or before November 16, 2007;

WHEREAS, the City of _____ finds that the application area within the City of _____ is a depressed area and that designation of the area as an Enterprise Zone is necessary in order to attract private sector investment to the application area;

WHEREAS, the City of _____ authorizes an application for Enterprise Zone designation;

WHEREAS, the City of _____ authorizes and supports job development, job creation, and economic development;

WHEREAS, the City of _____ authorizes that staffing shall be made available to maintain record-keeping, monthly updates on zone activities, and to discuss these activities with program auditors;

WHEREAS, the City of _____ shall develop a self-evaluation process to measure its progress in meeting its goals and objectives and this process shall be submitted to the Department for review, approval and inclusion in the Memorandum of Understanding (MOU) prior to Final Designation;

WHEREAS, the City of _____ agrees to complete all actions stated within the application that apply to its jurisdiction should the proposed Enterprise Zone be awarded designation; and

WHEREAS, [_____ name, title, department [city manager?] _____] is authorized to sign the application, the MOU and other documents necessary for the implementation of the Enterprise Zone;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of _____ that the City is committed to the designation, implementation, and operation of the San Joaquin County Enterprise Zone. Before the application is submitted, the Council shall follow this resolution with another council action containing specific commitments of staff time and other contributions that the City will make to the proposed Enterprise Zone.

Passed, approved and adopted this _____ day of _____, 2007.

MODEL LETTER OF COMMITMENT FOR THE SAN JOAQUIN COUNTY ENTERPRISE ZONE

Instructions:

The following provides template for the Letter of Commitment and Transmittal Letter. Please send the cover letter and certified copy of the Letter of Commitment to Fran Aguilera at the address below:

Fran Aguilera
Economic Development Director
Employment & Economic Development Department
San Joaquin County
56 S. Lincoln
Stockton, CA 95203
Ph. 209 468-3615

Also, please fax a copy to Paul Nguyen at 510-533-6048.

The copy of the letter of commitment must be certified by the City Clerk through a minute order.

Direct any questions to:

Paul Nguyen
Jack Faucett Associates, Inc.
nguyen@jfaucett.com
Ph. 510-533-6059

or

Jason Bezis
Jack Faucett Associates, Inc.
bezis@jfaucett.com
Ph. 925-962-9643

A. Model Transmittal Letter Signed By City Manager

CUT AND PASTE TO CITY LETTERHEAD

September __, 2007 [any date on or after date of Council approval of Letter of Commitment is acceptable]

Mr. Frank Luera, Chief
State Enterprise and Economics Development Section
California Department of Housing and Community Development
1800 Third Street, Suite 390
Sacramento, CA 95814

TRANSMITTAL OF LETTER OF COMMITMENT

Dear Mr. Luera:

I am the City Manager of the City of _____, an applicant for the proposed San Joaquin County Enterprise Zone. Enclosed please find the Letter of Commitment approved by minute order by my City Council on __, 2007. The Council is separately approving the Enterprise Zone Resolution and a Memorandum of Understanding.

As the administrator for the City of _____, I affirm that the City commits its funding, in-kind resources, and staffing to the San Joaquin County Enterprise Zone for the life of the Zone.

Sincerely yours,

NAME OF CITY MANAGER

City Manager

City of _____

**B. Model Letter of Commitment to Be Approved by City Council
and Signed by Mayor**

ON CITY LETTERHEAD

____, 2007 [USE DATE OF COUNCIL MINUTE ORDER APPROVING THIS LETTER
OF COMMITMENT]

Mr. Frank Luera, Interim Manager
Enterprise Zone Program
California Department of Housing and Community Development
1800 Third Street, Suite 390
Sacramento, CA 95814

LETTER OF COMMITMENT TO SAN JOAQUIN COUNTY ENTERPRISE ZONE

Dear Mr. Luera:

The City of _____ (hereinafter "City") is a general law city incorporated under California law. The City has jurisdiction over a portion of the proposed San Joaquin Valley Enterprise Zone (hereinafter "Zone") and has heretofore resolved to be an applicant for the Zone. The City is separately entering into a Memorandum of Understanding that defines the respective roles of the participating cities, the County of San Joaquin, and other Zone program participants. This Letter of Commitment contains specific commitments that the City will make solely to the designation, implementation, and operation of the proposed Zone.

I. Commitments of Staff Time

The City commits INSERT NUMBER staff members to the Enterprise Zone project.

First, INSERT NAME OF YOUR CITY'S "ZONE MANAGER" AND TITLE (e.g., "Joan Smith, Economic Development Director" or "William Johnson, City Manager") will dedicate ____% of (HIS/HER) time to the project at an annual value of \$_____, including \$_____ in salary and \$_____ in benefits. HE/SHE shall be the Zone manager for the City of _____. HIS/HER tasks to be completed in support of the Zone will be (INSERT TASKS, e.g., "to conduct marketing for the Zone, to undertake business expansion, attraction, and retention activities for the Zone...")

[USE THE FOLLOWING FOR THE 2ND STAFF PERSON WHO WILL PARTICIPATE IN THE ZONE FROM YOUR CITY, IF APPLICABLE]

Second, INSERT NAME OF 2ND STAFF PERSON AND TITLE (e.g., "William Johnson, City Manager" or "Mary Martin, Secretary/Executive Assistant") will dedicate ____% of HIS/HER time to the project at an annual value of \$_____, including

\$ _____ in salary and \$ _____ in benefits. HIS/HER tasks to be completed in support of the Zone will be (INSERT TASKS, e.g., “to conduct marketing for the Zone, to undertake business expansion, attraction, and retention activities for the Zone...”; if secretary: “to provide clerical support for Zone affairs at the City of _____”)

[USE THE FOLLOWING FOR THE 3RD STAFF PERSON WHO WILL PARTICIPATE IN THE ZONE FROM YOUR CITY, IF APPLICABLE]

Third, INSERT NAME OF 3rd STAFF PERSON AND TITLE (e.g., “Mary Martin, Secretary/Executive Assistant”) will dedicate ____% of HIS/HER time to the project at an annual value of \$ _____, including \$ _____ in salary and \$ _____ in benefits. HIS/HER tasks to be completed in support of the Zone will be INSERT TASKS (e.g., if secretary: “to provide clerical support for Zone affairs at the City of _____”)

[USE THE FOLLOWING FOR THE 4th STAFF PERSON WHO WILL PARTICIPATE IN THE ZONE FROM YOUR CITY, IF APPLICABLE]

Fourth, INSERT NAME OF 4th STAFF PERSON AND TITLE (e.g., “Mary Martin, Secretary/Executive Assistant”) will dedicate ____% of HIS/HER time to the project at an annual value of \$ _____, including \$ _____ in salary and \$ _____ in benefits. HIS/HER tasks to be completed in support of the Zone will be INSERT TASKS (e.g., if secretary: “to provide clerical support for Zone affairs at the City of _____”)

[CUT AND PASTE PREVIOUS PARAGRAPH TO ADD MORE STAFF IF NECESSARY]

II. Commitments of Other Services and Supplies

The City also commits the following to the Zone program:

[PROVIDE AS MANY SPECIFICS ABOUT THE CONTRIBUTION AS POSSIBLE (NUMBER, DOLLAR AMOUNT, ETC.). DELETE CATEGORIES THAT ARE NOT APPLICABLE TO YOUR CITY. ADD ANY OTHER CONTRIBUTIONS YOU CAN IDENTIFY]

San Joaquin County Enterprise Zone: The City commits \$ _____ per year to the San Joaquin County Enterprise Zone for zone administration, job development, and marketing.

San Joaquin Partnership Dues: The City commits \$ _____ per year to the San Joaquin Partnership for Zone marketing and business attraction.

Dues & Subscriptions: The City commits \$_____ per year as dues to the INSERT ORGANIZATION NAME [If your city is a member of the California Economic Development Association, etc., so state and include your annual membership dues here.]

The City commits \$_____ per year as subscriptions for the following publications related to economic development: _____

Trainings, Trade Shows, & Meetings: The City commits an annual value of \$_____ for trainings, trade shows, and meetings. [Add details. E.g., "The City shall promote the Zone annually at the International Council of Shopping Centers spring convention at a cost of \$_____ per year."] ["The City shall promote the Zone at the annual California Economic Development Association convention at a cost of \$_____ per year."]

Professional Consultant Services: The City commits \$_____ ("per year" or "in Year 1" or "in Year 3" etc.) for professional consultant services. [Add details. E.g., "The City shall hire a consultant to prepare a marketing plan for Zone services."]

Other Advertising & Marketing: The City commits an annual value of \$_____ to other advertising and marketing activities for the Zone. INSERT BRIEF EXPLANATION [website development, brochure design and production could be included here] (e.g., "Such funds shall be used to construct and maintain a city webpage devoted to the Zone" or "Such value represents an in-kind contribution from the City's Information/Technology Systems division to the Zone for construction and maintenance of a city webpage devoted to the Zone.")

Office Equipment & Maintenance: The City commits an annual value of \$_____ to office equipment and maintenance. [Add details. "Such value represents the portion of City computer systems devoted to Zone affairs."]

Office Supplies: The City commits an annual value of \$_____ to office supplies. Such value represents the cost of paper, stationery, envelopes, and other supplies consumed for Zone affairs.

Vehicle Allowance: The City commits an annual value of \$_____ to cover vehicle expenses related to Zone affairs.

Telecommunications: The City commits an annual value of \$_____ to cover telephone, facsimile, and internet expenses related to Zone affairs.

III. Total Contributions

The total annual value of the contributions of the City of _____ to the Zone shall be \$ INSERT SUM OF STAFF TIME, CASH, AND OTHER CONTRIBUTIONS IN SECTIONS I AND II. [Note: If the annual value varies year-to-year during the first five years of the Zone's designation, indicate the total annual values for Years 1, 2, 3, 4, and

5.] The City of _____ acknowledges that its commitment is an annual commitment for the life of the Zone.

The City Council of the City of _____ has approved this Letter of Commitment as a minute order. The City Manager is directed to transmit this Letter of Commitment with the Enterprise Zone application.

Sincerely,

Mayor, City of _____

APPENDIX C
Signature Page

California Enterprise Program
2007 Application

Application Deadline: November 16, 2007

Application Submitted By:

Name of Enterprise Zone

Name and Title of Authorized Official

Affiliation of Authorized Official

Signature of Authorized Official

Date

California Enterprise Zone Program

Department of Housing and Community Development

1800 Third Street, Third Floor

Sacramento, CA 95814

Telephone: (916) 322-1112

www.hcd.ca.gov/fa/cdbg/ez

San Joaquin County EZ Application WORK PLAN

TASK/APPLICATION SECTION	SOURCE	MILESTONE	CHECK?
Part "0" - General Information:			
Signature Pages from All Participating Cities (Appendix C)	County/Cities	Friday, September 14	
Contact Information (Appendix D)	JFA to complete using County Compiled Contact List	Friday, September 7	
Capital Improvement Plans Collection	Cities	Friday, September 7	
Business License Listings/Database	Cities/ SJC	Friday, September 7	
Copies of ED Reports, Plans, Marketing Materials, etc.	County/Cities	Friday, September 7	
Land Use Zoning Maps/Shape Files Collection	Cities to Send to SJC (Dave Bollinger)	DONE	X
Council Actions		Pursuant to City Council Meeting Schedules. Schedules to be identified by SJC/Cities. To be completed no later than September 30	
Resolutions (JFA Template Provided),	County/Cities		
Letters of Commitment (JFA Template Provided)	County/Cities		
Memoranda of Understanding (JFA Template Provided)	County/Cities		
Part I: Eligibility Affirmation	JFA	Done	X
Part II: Boundary Conformity			
Zone Mapping (See Part IV Below)	County	Sept. 14 (Preliminary to HCD) Monday, October 22 (Final)	
Legal Boundary Description	County	Monday, October 22 (Final)	
Street Range Listing	County	Monday, October 22 (Final)	
Noncontiguous Area Demonstration (Data Analysis & Narrative)	JFA	Monday, October 22 (Final)	
Ratio Demonstration (Data Analysis & Narrative)	JFA	Monday, October 22 (Final)	
Part III: Economic Development Plan			
Section 1: Marketing Strategy and Plan			
A - Comprehensive Marketing Strategy	JFA/County	Friday, October 5	
B - Rentention, Expansion, Retraction Plans	JFA/County	Friday, October 12	
C - Companies Closed, Relocated, or Downsized (Table 6)	Cities/County	Friday, October 12	
D - Annual Marketing Plan (Table 1, 2, 3)	JFA/County	Tuesday, October 16	
E - Economic Development Partner (Narrative + Table 5)	JFA/County	Monday, October 15	
F - Sales Plan & Successes	JFA/County/Cities	Monday, October 15	
G - Existing Business & Real Estate Marketing Orgs (Table 4)	All	Monday, October 15	
H - Advertising & Promotional Strategy	All	Friday, October 12	
I - Administration (EZ Management, Budget, Self Evaluation)	JFA	Monday, October 22	
Section 2: Available Property and Businesses	County/Cities/JFA	Monday, August 27, 2007	
Section 3: Financing Programs	County	Friday, September 14, 2007	
A - Business & Real Estate Plan (Table 8 + Narrative)	County/JFA		
B - Finance Track Record (Table 9, 10 + Narratives and Self Eval. Plan)	County		
Section 4: Job Development, Vouchering Plan and Vouchering Fee	County/JFA	Monday, September 17, 2007	
A - Job Development Plan (Narratives, Table 11, 12, & Org Chart)			
B - Vouchering Plan (Narrative, Budget, & Org Chart)			
C - Voucher Fee Remittance Plan (Narrative, Timeline, Org Chart)			
Section 5: Planning and Local Incentives		Monday, September 24, 2007	
-Plan to Reduce Fees	JFA to assesmble		
-Plan to Reduce Administrative Processing Time for Permits	information from All		
-Land Use Maps Forecasting 5 years + Narrative	Participants		
-Plan to Transform Neighborhoods through Current & Planned Activities			
-Plan to offer local incentives			
-Evaluation of Incentives Effectiveness			
Section 6: Unemployment and Area Income Levels (Table 13)	JFA	Monday, October 22, 2007	

San Joaquin County EZ Application WORK PLAN

TASK/APPLICATION SECTION	SOURCE	MILESTONE	CHECK?
Section 7: Enterprise Zone Program Management Information	JFA	Monday, October 22, 2007	
A - Budget & Letters of Commitment	County/Cities		
B - Vouchering Agent (Narrative, MOU to include Conflict of Interest Agreement)	County/Cities		
C - EZ Manager Job Descriptions	JFA/County		
D - EZ Management Org Chart	JFA/County		
Section 8: Infrastructure and Capital Improvement Plan Narrative	JFA	Monday, October 01, 2007	
Narrative	JFA		
Table 14	JFA		
Copies of CIPS	To be provided by Cities		
Part IV: Bonus Points			
Table 15 - Poverty Stats	JFA	Friday, October 19, 2007	
Table 16 - Unemployment Stats	JFA	Friday, October 19, 2007	
Table 17 - Unique Distress Factors + Documentation	JFA	Friday, October 19, 2007	
Part V: CEQA Requirements		TBD by County Planning Dept	
- Initial Study & Notice of Preparation	County	TBD (completed by no later than 11-1-07)	
Part VII: Required Maps	County	TBD by County GIS No later than Sept 14 for pre-approval submission	
-Proposed Boundary Map			
-Eligibility/Census Tracts Map			
-Commercial/Industrial Parcel Map			
-Land Use Map			
Part VIII: Capital Improvement Plan 2008-2013	All	Friday, September 14, 2007	
Graphics Layout & Printing (Draft Mockups of all graphics to be provided)	County	Ongoing - Milestones TBD	
	JFA to deliver electronic copies for printing and delivery by EDA	Friday, October 26, 2007	
Completed Application			